

BEFORE THE KANSAS STATE BOARD OF PHARMACY

IN THE MATTER)
)
 OF)
)
 GARY RAVIS)
)
 LICENSE # 1-08867)
)
 Respondent.)
)

CASE NO. 01-56

Pursuant to K.S.A. Chapter 77

CONSENT AGREEMENT AND ORDER

Now on October 1, 2002, the above-captioned matter comes

before the Kansas Board of Pharmacy (Board) by agreement of Gary Ravis (Respondent) and the Kansas Board of Pharmacy for the purpose of resolving the above-captioned matter.

Respondent hereby acknowledges, admits, consents, and agrees to, and the Board finds and orders the following:

1. Gary Ravis is currently, and at all times relevant, has been, licensed as a Pharmacist pursuant to K.S.A. 65-1627, et seq. with license #1-08867 which originally issued on 3/20/1970, was most recently renewed on 5/30/2001, and which expires on 6/30/2002. Respondent tendered the license to the board for surrender on November 27, 2001.

2. Respondent's address last known address is 12612 Juniper Circle, Leawod, KS 66209.

3. In United States District Court for the Western District of Missouri, Western Division case No. 01-00368-1-CR-W3, Respondent pled guilty to, and was found guilty of, one count of

receipt of stolen property in violation of 18 U.S.A. § 2315. A copy of the plea agreement is attached to this Consent Agreement and Order, and is incorporated by reference as Exhibit 1. A copy of the Judgment is attached to this Consent Agreement and Order, and is incorporated by reference as Exhibit 2.

4. As part of the plea, Respondent agreed to surrender his pharmacy license and not reapply for a period of three years from the date of surrender.

5. Respondent admits, and the Board hereby finds, that Respondent's conduct and conviction violated the Pharmacy Act of the State of Kansas pursuant to 65-1625, et seq., and specifically K.S.A. 65-1627(a)(2) [unprofessional conduct - the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant public trust], and K.S.A. 65-1627(a)(3), K.S.A. 65-1626(hh)(7) [unprofessional conduct - conduct likely to deceive, defraud or harm the public].

6. Respondent and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violations.

7. Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to the facts set forth herein.

8. Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to the facts set forth herein.

9. Respondent agrees that the Board has jurisdiction in this matter and Respondent voluntarily submits to said jurisdiction.

10. Effective November 27, 2001, Respondent voluntarily surrenders his Kansas license #1-08867 to the Kansas Board of Pharmacy. The Board hereby accepts the surrender effective as of Nov. 27, 2001, and suspends Respondent's license. Respondent agrees to forthwith return to the Board any and all licenses. Respondent expressly acknowledges, understands and agrees that by acceptance of the surrendered license, the Board is entering a Final Order of a three year suspension in this matter. Respondent further expressly acknowledges, understands and agrees that good cause exists for the making and entering of said Final Order of the three year suspension .

11. Respondent will not apply to the Board to either:

- (a) lift the three-year suspension wherein the date terminating the suspension would be a date before November 27, 2004, but may file the petition with the Board to lift the suspension prior to November 27, 2004, or
- (b) should the Board cancel licensee's pharmacy license as provided below, licensee shall not apply for reinstatement of such cancelled license with an effective date or retroactive date of before November 27, 2004.

Should licensee fail to petition the Board to reinstate his pharmacy license before November 27, 2004, but with an effective date no earlier than November 27, 2004, and the Board is unable to conduct a hearing on the reinstatement petition before November 27, 2004, the Board shall cancel licensee's pharmacy license by operation of law with no denial of the reinstatement petition but the reinstatement petition shall be addressed by the Board after November 27, 2004.

Should licensee make application for reinstatement of his pharmacy license before November 27, 2004, or should licensee's license be cancelled by operation of law, and licensee makes

application for reinstatement of his pharmacy license subsequent to cancellation by operation of law, or should licensee make application for reinstatement of his pharmacy license at any time, licensee must establish by preponderance of evidence factors for reinstatement contained within *Vakas v. State Board of Healing Arts*, 248 Kan. 589, Syllabus paragraph 2, 808 P.2d 1355 (1991) with licensee carrying the burden of proof on such factors and must meet all statutory or regulatory requirements in place at the time of such reinstatement.

12. Respondent understands that the Board will not initiate further proceedings in this matter. In the event Respondent applies to the Board for licensure at any time in the future, it is acknowledged, understood and agreed that the Board may consider evidence developed during the investigation and pendency of this matter, as well as the contents of the agency record in this matter, in making a determination of whether to grant any such application for licensure.

13. Respondent acknowledges that he has read the Consent Agreement and Order in its entirety and affirms that he enters into it voluntarily, after the opportunity to consult with counsel of his choice and with full understanding of its legal consequences. Respondent executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding.. Respondent acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Respondent waives any right he may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

14. Respondent acknowledges that notification of the Consent Agreement and Order, and the order of the three year suspension, shall be provided to registries and another state licensing board or boards if Respondent is also licensed, registered or certified in another state or states, and the Board shall disclose the Consent Agreement and Order to other licensing boards or others upon request.


15. Respondent acknowledges that the Consent Agreement and Order constitutes the entire agreement between Respondent and the Board, and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board, except as otherwise provided in the Consent Agreement and Order.

16. WHEREFORE Respondent consents to the submission of the Consent Agreement and Order to the Kansas Board of Pharmacy and understands that upon approval of the Board, the Consent Agreement and Order becomes a Final Order of the Board.

17. WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Board of Pharmacy which becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

10/11/02
Date



Max Heidrick
President, Kansas Board of Pharmacy

