

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter)
)
 of)
)
 Travis D. Scott)
)
)
 _____)

Case No. 2004-63

ORDER OF REINSTATEMENT

Now on this 30th day of November, 2004, the above referenced matter comes before the Kansas Board of Pharmacy on Travis D. Scott's application for reinstatement of a pharmacist license. Applicant Travis D. Scott appears in person. Randall J. Forbes, attorney at law, appears on behalf of the Board of Pharmacy.

The Board takes notice of the Order of Revocation that was issued by the Board in March 2002.

After hearing testimony of Applicant, Applicant's wife and Mary Carder, Executive Director, Heart of America Professional Network, and considering the factors set out in *Vakas v. Kansas Board of Healing Arts*, 23 Kan.App.2d 889, the Board finds that Applicant's license as a pharmacist should be reinstated on certain conditions.

IT IS THEREFORE ORDERED that Applicant's license to practice as a pharmacist shall be reinstated on the following conditions:

1. Applicant shall remain in the Heart of American Professional Network program for impaired professionals pursuant to the terms of his Agreement until August 21, 2008 which is currently scheduled as the conclusion of his five-year agreement with that program.

2. Additionally, Applicant shall submit to random drug screens 2 times per month for the first 6 months following employment as a pharmacist and shall sign a release to

authorize release of the results of the drug screens to Heart of American Professional Network and the Board.

3. Additionally, when employed as a pharmacist, until August 21, 2008, Applicant shall work with another pharmacist or a pharmacist technician who is over the age of 18 years.

4. Additionally, Applicant is prohibited from having an ownership or beneficial interest in a pharmacy until August 21, 2008.

IT IS SO ORDERED.

Camille Nohe
Assistant Attorney General/Legal Advisor to
the Kansas Board of Pharmacy
As authorized by the Kansas Board of Pharmacy

Certificate of Service

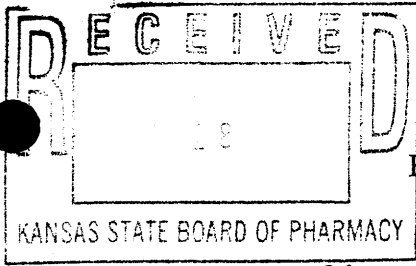
This is to certify that on the 9th day of December, 2004, a true and correct copy of the foregoing ORDER OF REINSTATEMENT was deposited in the U.S. mail, first class postage prepaid, addressed to:

Travis Scott
203 B NE Sunshine Street
Oak Grove, Missouri 64075

and

Randall J. Forbes
555 S. Kansas Ave., Suite 303
P.O. Box 639
Topeka, Kansas 66601-0639

Camille Nohe
Assistant Attorney General/Legal Advisor to
the Kansas Board of Pharmacy



BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of

TRAVIS D. SCOTT, R.Ph.
Kansas License No. 11988

)
) Case No. 01-16
)
)
)
)

FINAL AGENCY ORDER

On February 13, 2002, a hearing was held before the Kansas Board of Pharmacy (the "Board") on the Petition to Revoke, Suspend or Otherwise Limit Licensure filed in the above captioned matter regarding Travis D. Scott, R.Ph. ("Scott"). After considering the evidence admitted at the hearing, the Board enters the following final agency order.

I. FINDING OF FACT

1. At all relevant times, Scott held a license to practice pharmacy in the State of Kansas. That license was Kansas license number 11988 issued to him by the Board.
2. On or about January 30, 2001, Scott executed a Stipulation and Final Agency Order, wherein he agreed to voluntarily surrender his license to practice pharmacy in the State of Utah, because of certain illegal and unprofessional conduct and other factors described in paragraph 7 of the Stipulation and Final Agency Order.
3. On or about January 31, 2001, the terms and conditions of the Stipulation and Final Agency Order, executed by Scott, became final when the Director of the Utah Division of Occupational Professional Licensing signed an Order making it so.

II. CONCLUSIONS OF LAW AND FACT

Scott's Kansas license to practice pharmacy is subject to revocation or other discipline pursuant to K.S.A. 65-1627(12), in that he has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered his license after formal proceedings have been commenced, or has had an application for license denied by the proper licensing authority of another state.

III. FINAL ORDER

Based upon the evidence introduced at the hearing held February 13, 2002, the foregoing findings and conclusions, Scott's license to practice pharmacy in Kansas (Kansas license number 11988) is hereby revoked. Scott may apply to have his license reinstated after a period of one (1) year. The Board encourages Scott to enroll in an impaired provider program.

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Susan Linn
Executive Director
Kansas Board of Pharmacy
900 Jackson, Room #513
Topeka, KS 66612

IT IS SO ORDERED.

3/26/02
Date

VICKI SCHMIDT, R.Ph.
President
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29 day of March, 2002, deposit in the United States mail, postage prepaid, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Travis D. Scott, R.Ph.
12166 Lampton View Drive
Riverton, UT. 84065

Randall J. Forbes, PA
FRIEDEN, HAYNES & FORBES
555 South Kansas Avenue, Suite 303
Topeka, KS 66603

Susan Linn
Executive Director
Kansas Board of Pharmacy

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
TRAVIS D. SCOTT, R.Ph.)
Kansas License No. 11988)
_____)

Case No. 01-16

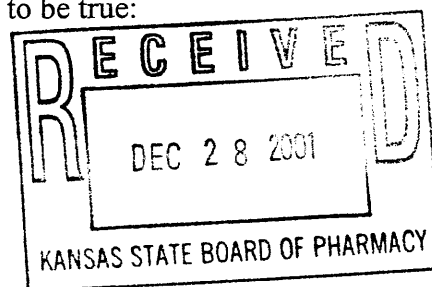
**PETITION TO REVOKE, SUSPEND OR OTHERWISE
LIMIT LICENSURE**

COMES NOW, the Kansas Board of Pharmacy (the "Board") for its Petition to Revoke, Suspend or Otherwise Limit the Kansas license of Travis D. Scott, R.Ph. (the "Licensee") to practice pharmacy and alleges and states as follows:

1. The Board is the Kansas agency vested with the authority, pursuant to K.S.A. 74-1601, *et seq.*, to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626, *et seq.*, including conducting hearings and proceedings to revoke or suspend a Kansas license to practice pharmacy.

2. The Licensee is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued him Kansas license number 11988. At all times relevant hereto, the Licensee has held a current license to engage in the practice of pharmacy in the State of Kansas.

3. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe the following facts to be true:



A. On or about January 30, 2001, Respondent executed a Stipulation and Final Agency Order, wherein he agreed to voluntarily surrender his license to practice pharmacy in the State of Utah, because of certain illegal and unprofessional conduct and other factors described in paragraph 7 of the Stipulation and Final Agency Order.

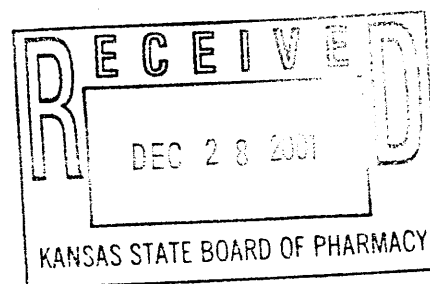
B. A true and correct copy of the Stipulation and Order executed by the Respondent is attached hereto as Exhibit A.

C. On or about January 31, 2001, the terms and conditions of the Stipulation and Final Agency Order, executed by the Respondent and attached hereto as Exhibit A, became final when the Director of the Utah Division of Occupational Professional Licensing signed an Order making it so.

D. A true and correct copy of the Order executed by the Director of the Utah Division of Occupational Professional Licensing is attached hereto as Exhibit B.

4. The Licensee's Kansas license to practice pharmacy is subject to revocation or other discipline pursuant to K.S.A. 65-1627(12), in that he has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered his license after formal proceedings have been commenced, or has had an application for license denied by the proper licensing authority of another state.

WHEREFORE it is requested by the Petitioner that proceedings be initiated pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and that in accordance therewith findings and conclusions be made that the Licensee's Kansas license to practice pharmacy is subject to revocation or other discipline and order such disciplinary action as shall be determined to be appropriate.



Randall J. Forbes P.A. #09089
Terry A. Iles, #17133
FRIEDEN, HAYNES & FORBES
555 S. Kansas, Suite 303
P.O. Box 639
Topeka, Kansas 66601-0639
TEL: (785) 232-7266
FAX: (785) 232-5841

Attorney for the Kansas Pharmacy Board

CERTIFICATE OF SERVICE

I hereby certify that I did, on this the 26th day of December ²⁰⁰¹~~2002~~, deposit in the United States mail, first class postage prepaid, a copy of this PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSURE, properly addressed to the following:

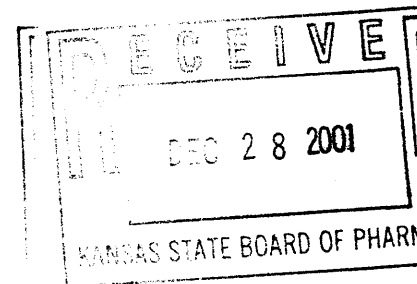
original to:


Susan Linn
Executive Director
KANSAS PHARMACY BOARD
900 Jackson, Room 513
Topeka, KS 66612

and mailed one copy first class mail and one copy certified, return receipt requested to:

Travis D. Scott, R.Ph.
12166 Lampton View Drive
Riverton, UT 84065

Travis D. Scott, R.Ph.
504 SE Alger Drive
Blue Springs, MO 64014



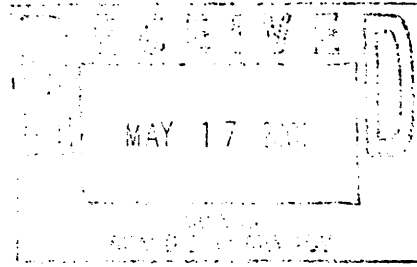


Randall J. Forbes, P.A. #09089

RECEIVED
DEC 28 2001
KANSAS STATE BOARD OF PHARMACY

Exhibit A

CHERYL D. LUKE (USB 2013)
Assistant Attorney General
MARK L. SHURTLEFF (USB 4666)
Attorney General
Division of Occupational and Professional Licensing
Heber M. Wells Building
160 East 300 South
Box 146741
Salt Lake City, Utah 84114-6741
Telephone: (801) 530-6628

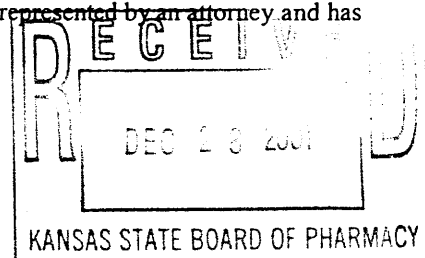


BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE)
SURRENDER OF THE LICENSE OF)
TRAVIS DEAN SCOTT, RPH) STIPULATION AND ORDER
TO PRACTICE PHARMACY AND TO)
DISPENSE CONTROLLED SUBSTANCES) CASE NO. DOPL-2001- 26
IN THE STATE OF UTAH)

TRAVIS DEAN SCOTT ("Respondent") and the Division of Occupational and Professional Licensing ("Division") of the Utah Department of Commerce, stipulate and agree as follows:

1. The Division licensed the Respondent to practice pharmacy and to dispense controlled substances.
2. Respondent understands that the Division Director is not required to accept the surrender of his license or the terms of this Stipulation. If the Director does not approve this Stipulation through the issuance of an Order, the Stipulation is null and void.
3. Respondent admits the jurisdiction of the Division over him and over the subject matter of this request. Respondent also understands that the Division retains jurisdiction over him and over the subject matter to initiate subsequent disciplinary proceedings.
4. Respondent surrenders his license voluntarily of his own free will and choice and without any undue inducement, coercion, or threat from any source. All promises and representations Respondent has obtained from the Division regarding his licensure surrender are contained in this Stipulation.
5. Respondent has been informed of his right to be represented by an attorney and has chosen to represent himself.



6. Respondent understands he is entitled to a hearing before the Utah State Board of Pharmacy ("the Board") at which time he may present to the Board evidence on his behalf, present his own witnesses and confront adverse witnesses. Respondent acknowledges that by executing this document, he waives: (1) the right to a hearing before the Board, (2) the right to present evidence on his behalf, (3) the right to present his own witnesses, and (4) the right to confront adverse witnesses, together with such other rights to which he may be entitled in connection with said hearing.

7. Respondent admits to the following:

(1) He has a substance abuse problem that if left untreated may place the public at jeopardy if he continues to practice pharmacy.

(2) Respondent perpetuated his drug problem by appropriating drugs from his pharmacy employers and through the use of illicit controlled substances.

(3) Participation in the Divisions Professional Recovery Program has not been successful in treating Respondent's substance abuse problem and preventing him from using drug stock of his employers to perpetuate this problem.

8. Based on the foregoing, Respondent admits that an appropriate basis exists to take action with respect to his license. However, respondent desires to surrender his licenses to practice pharmacy and to dispense controlled substances to the Division and forego an evidentiary hearing before the Pharmacy Board and the possibility of imposition of further disciplinary sanctions against his license.

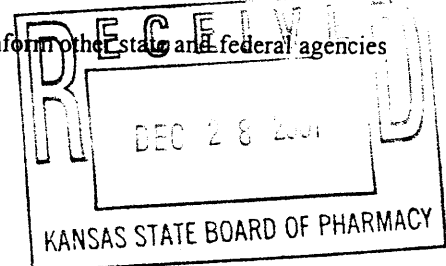
9. If the Division Director grants the Respondent's surrender request, Respondent forfeits all right to practice pharmacy and to dispense controlled substances in the State of Utah.

10. Respondent understands that the surrender will result in a three-year waiting period before he will be allowed to reapply for licensure.

11. No representations of future waiver of licensure requirements have been extended to Respondent.

12. Respondent understands that he will not receive any refund of license or renewal fees previously paid to the Division.

13. Respondent acknowledges that this Stipulation and Order is formal disciplinary action and if adopted by the Director of the Division, will be classified as a public document and may be released to the public upon request. In addition, the Division is authorized to inform other state and federal agencies of the content of this Stipulation and Order.



14. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements which modify, interpret, construe or affect this Stipulation.

DATE: 1/29/01

DATE: 1/30/01

BY
CHERYL D. DUKE
Assistant Attorney General

(
BY
TRAVIS DEAN SCOTT
Respondent

RECEIVED
DEC 28 2001
KANSAS STATE BOARD OF PHARMACY

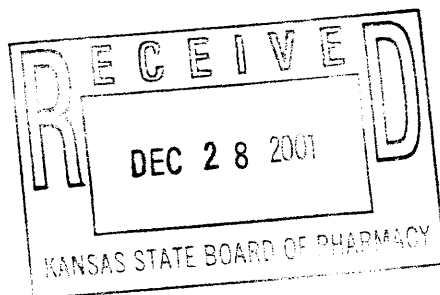


Exhibit B

ORDER

The above Stipulation, which is approved by the Division of Occupational and Professional Licensing, constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are hereby incorporated herein and adopted as the Order of the Division of Occupational and Professional Licensing.

DATED this 31 day of January, 2001.

A. Gary Bower, Director
Division of Occupational and
Professional Licensing

