

BEFORE THE  
KANSAS STATE BOARD OF PHARMACY  
Landon State Office Building, Room 513  
Topeka, Kansas 66612  
785/296-4056

In The Matter }  
 }  
of }  
 }  
EDWIN BAKER, }  
Registered Pharmacist, #1-12438, }  
Respondent }  
\_\_\_\_\_ }

CONSENT AGREEMENT AND ORDER

Now on this 5<sup>th</sup> day of November, 1998, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Edwin Baker, (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Edwin Baker is a licensed pharmacist within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto.

2. On or about April 21, 1998, the Board's Inspector investigated a report of information concerning Licensee's conduct alleging Licensee may have violated statutes and regulations governing the practice of pharmacy, to wit:

(a) K.S.A. 65-1627(a)(6) as amended by the Kansas Legislature, 1998 Session Laws, Chapter 98, Section 1 for failure to fill a prescription in strict accordance with the directions of the practitioner; and

(b) K.S.A. 65-1627(d)(1) as defined by K.A.R. 68-7-12(d)(1) for failure to document in writing in writing all pertinent information relating to alleged or real incidents involved in failure to properly direct a patient on how to use the drugs prescribed to the patient.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board makes the following factual determinations, the licensee, as pharmacist in charge, failed to properly document all pertinent information relating to alleged or real incidents involving the failure to properly direct a patient on how to use drugs prescribed by the patient.

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Licensee has been guilty of/violated K.A.R. 68-7-12(d)(1).

7. As a result of the investigation, the Board's counsel determined that the evidence was inconclusive regarding the issue of the improper filling of a prescription and declined to prosecute the same.

HOWEVER, Licensee and the Board mutually desire to enter into the Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE Licensee 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 this matter.

WHEREFORE Licensee 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 this matter.

WHEREFORE Licensee consents to:

(a). A civil penalty in the amount of \$250 to be paid at the time of acceptance of this Consent Agreement and Order by the Board.

(b) This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by the parties.

(c) Licensee shall be responsible for all costs incurred in satisfying the terms of the Consent Agreement and Order.

(d) Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Licensee is also licensed, registered or certified in another jurisdiction.

(e) This Consent Agreement and Order is reportable to state and federal licensing

agencies and applicable professional associations.

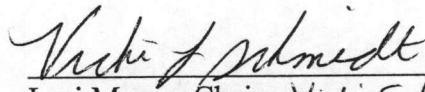
(f) Evidence of Licensee's willful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact willfully failed to comply with any conditions. Upon determination at such hearing that Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees that the license shall be revoked.

WHEREFORE Licensee consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that so long as licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-1625 et seq.

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

IT IS SO ORDERED.

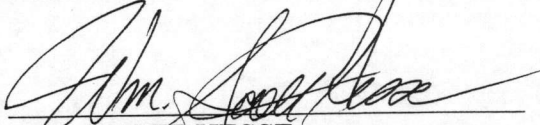
  
~~Lori Moore, Chair~~ Vicki Schmidt, Vice Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

  
\_\_\_\_\_  
Licensee

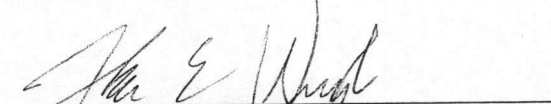
10-23-98  
(date)

SUBMITTED AND APPROVED BY:



WM. SCOTT HESSE  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66612  
785/296-2215

11/5/98  
(Date)



THOMAS E. WRIGHT  
Second Floor, Commerce Bank Building  
100 E. 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

\_\_\_\_\_  
(Date)


Certificate of Service

This is to certify that on the 9<sup>th</sup> day of November, 1998 a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

WM. SCOTT HESSE  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66612

THOMAS E. WRIGHT  
Second Floor, Commerce Bank Building  
100 E. 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

EDWIN BAKER  
14024 Summertree Lane  
Olathe, Kansas 66062



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For the Kansas State Board of Pharmacy