BEFORE THE KANSAS PHARMACY BOARD

In the Matter of	)	
	)	File No.
MARIAM BEZBRADICH, R.PH.	)	
Kansas License No. 1-08677	)	
	)	

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Mariam Bezbradich, R.Ph. (the "Respondent) as follows:

1. The Board is represented herein by its attorney, Steve Phillips, Assistant Attorney General of the Kansas State Attorney General's Office, 120 SW 10th Avenue, Topeka, Kansas 66612-2215. The Respondent is represented herein by her attorney _____

_____.

2. The Board is the Kansas Agency vested with the authority 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, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued her Kansas license number 1-08677. At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board has received certain information, has investigated and has determined

that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

5. Respondent hereby admits and waives any further proof in this or any other proceeding before of initiated by the Board that she unlawfully filled a Schedule III narcotic and failed to document the prescription properly and is in violation of K.A.R. 68-7-19(3)(A)(B)(C)(E).

6. The Board finds and concludes that Respondent's conduct, as described above, is grounds for disciplinary action in the State of Kansas, pursuant to K.S.A. 65-1627(a)(3) and 65-1626(hh).

7. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances.

   A. FINE. Respondent hereby agrees and consents to the Board's entry of an order whereby within ten (10) days of the Board entering the Final Agency Order provided for herein, she shall pay to the Kansas Pharmacy Board an administrative fine in the amount of five hundred dollars ($500.00).

   B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Final Agency Order she must:

      1. Comply fully with this Stipulation and Final Agency Order;

      2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacists.

8. Respondent agrees that all information in the possession of the Board or its attorney regarding the investigation which led to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the forms of this Stipulation and Final Agency Order and the Final Order provided for herein, with or without the present of the Respondent and his attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

9. The stipulations contained herein shall not become binding unless this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Respondent acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Final Agency Action or the Final Order provided for herein.

10. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter

into it and enter the Final Order provided for herein. The Respondent further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

11. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

12. The Respondent acknowledges that she has the following rights:

A. To have formal notice of charges served upon her;

B. To file a response to the charges;

C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act For Judicial Review and Civil Enforcement of Agency Action.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to these provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

13. The Respondent acknowledges that she enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of her choosing. The Respondent further acknowledges that she has read this Stipulation and Final Agency Order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

14. Time is of the essence to this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final Agency Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Final Agency Order.

15. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:

A. Adverse Action Classification: "1172 Administrative Fine."

B. Basis for Action: "10 Unprofessional Conduct."

16. The following statement will be made in the Board's newsletter: "Mariam Bezbradich, R.Ph. of Wichita, Kansas. The Board entered an order assessing an administrative fine of $500.00."

17. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency

Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

18. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board

19. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

20. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the final order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Pharmacy Board by serving Susan Linn, its Executive Secretary. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:

Nov. 15, 2002
Date

APPROVED BY:

s

Date

11/21/02
Date

Steve Phillips
Assistant Attorney General
Kansas State Attorney General's Office
120 S.W. 10th Avenue
Topeka, Kansas 66612-2215

BEFORE THE BOARD OF PHARMACY BOARD

In the Matter of	)	
	)	
MARIAM BEZBRADICH, R.PH	)	File No. 02-30
Kansas License No 1-08677	)	
	)	

FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas State Board of Pharmacy (the "Board) approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board.

ENTERED AND EFFECTIVE this 19 day of December, 2002

KAN

By:
Max Heidrick, R.Ph.
President

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the _____day of _____, 2002, a true and correct copy of the above and foregoing Consent Agreement was sent by First Class Mail and addressed as follows:

Miriam Bezbradich, R.Ph.
1044 N. Compton Street
Wichita, KS 67212

Steve Phillips
Assistant Attorney General
Kansas State Attorney General's Office
120 S.W. 10th Avenue
Topeka, KS 66612-2215

_____
Susan A. Linn
Executive Director