

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 22-011
ALEX T. CONLEY)	
<u>Kansas Intern License No. 3-107225</u>)	

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Board of Pharmacy (the "Board") and Alex T. Conley ("Respondent") as follows:

1. The Board is represented herein by its attorney, Brenda L. Head of Frieden & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, N/A.

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.*, (the "Act") including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas intern license to practice pharmacy.

3. The Respondent is presently entitled to engage as an intern in the practice of pharmacy in the State of Kansas by reason of the Board having issued him Kansas intern license number 3-107225 ("Kansas License"). At all times relevant hereto, the Respondent has held a current intern license to engage in the practice of pharmacy in the State of Kansas.

4. The Board's Investigation Member has received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1676(d)(1) and K.S.A. 65-1627(a) which would justify the revocation or imposition of other disciplinary action against his Kansas Intern License under the provisions of K.S.A. 65-1627(a) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1658.

Matter of Alex T. Conley, No. 22-011 (Kan. Bd. of Pharmacy)

STIPULATION AND CONSENT ORDER

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds:

A. On September 12, 2019, the Board conducted a hearing reviewing Respondent's permit to be a pharmacy intern in the State of Kansas following a February 3, 2019 charge for possession of a hallucinogenic drug (marijuana) and use/possession with intent to use drug paraphernalia.

B. On November 14, 2019, the Board issued Respondent a Final Order placing Respondent on probation for a period of two (2) years, or until November 14, 2021.

C. On July 18, 2021, Respondent admitted to using marijuana "at dinner" and consuming alcohol prior to an altercation with his grandfather which resulted in Respondent being arrested and charged with criminal damage to property less than \$1,000.00.

D. That pursuant to K.S.A. 65-1676 the Board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy intern on any ground which would authorize the Board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

E. That pursuant to K.S.A. 65-1627(a)(3), the Board may take action against the license of a pharmacist for unprofessional conduct likely to deceive, defraud or harm the public.

Upon motion duly made, seconded and passed, the Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of appropriate disciplinary action against Respondent's Kansas Intern License pursuant to K.S.A. 65-1627(a)(3) and K.S.A. 65-1676.

6. The Respondent agrees and consents and the Board finds concludes and orders that the following disposition is just and appropriate under the circumstances:

A. PROBATION. Respondent hereby agrees and consents to the Board's entry of an order whereby his intern license to practice pharmacy in the State of Kansas is on probation for a period of two (2) additional years during which Respondent shall:

1. Personally appear before the Board when noticed at the time this Stipulation and Consent Order is considered on February 18, 2022;

2. Personally appear before the Board at the time Respondent applies for his pharmacist license; and

3. Personally appear before the Board prior to his release from probation.

If Respondent commits an act during the probation period that constitutes a violation of the Pharmacy Practices Act or the Board's regulations or fails to meet any condition set out in this stipulation, the period of probation continues.

B. KsPRN REQUIREMENT.

1. The Respondent, if he has not already done so, shall immediately enter into a *Statement of Understanding* agreement with the Kansas Pharmacists Association ("KPhA") and the Committee on Impaired Pharmacy Practice Program ("CIPP") which operates the Kansas Pharmacist Recovery Network ("KsPRN") for a period of no less than five (5) years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the evaluation and treatment program recommended and requested by the KsPRN Agreement and the further requirements of the Board. Respondent shall, at all times, be in full compliance with the requirements of the KsPRN Agreement and other

requirements placed upon him by the KsPRN, *including, but not limited to, full and continued compliance with the requirement to cooperate with requests for random body fluid drug screens and any recommended therapy as provided in the KsPRN Agreement.* Respondent agrees and the Board orders the Respondent shall not serve as Pharmacist-in-Charge or Preceptor until further order of the Board. Respondent shall maintain medication adherence based on provider prescription without self-adjustment of his medications.

2. The Respondent shall authorize KsPRN and any provider of evaluation or treatment programs he engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, his evaluations and treatment, including, but not limited to, records and medical reports.

C. NOTIFICATIONS. The Respondent agrees and the Board orders that Respondent shall:

1. Require any pharmacy or drug-related employer to acknowledge receipt of this Stipulation and Consent Order;

2. Notify the Board of all contact information and employment changes within ten (10) days; and

3. Notify the Board of any criminal arrest and/or charges within ten (10) days).

D. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he must, and the Board further orders the Respondent to:

1. Comply fully with this Stipulation and Consent Order; and

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

7. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and or its attorney regarding the investigation which lead 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 form of this Stipulation and Consent Order, with or without the presence of the Respondent or his attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent 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.

8. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved and entered as a final order by the Board. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it as a final order of the Board. The Respondent further agrees, for purposes of this matter, that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

10. 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.

11. The Respondent acknowledges that he has the following rights:

(a) To have formal notice of charges served upon him;

(b) To file a response to the charges;

(c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and

(d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

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 him to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order and the Consent Order provided for herein.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Consent Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

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

14. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

15. Upon approval and entry of the Final Order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

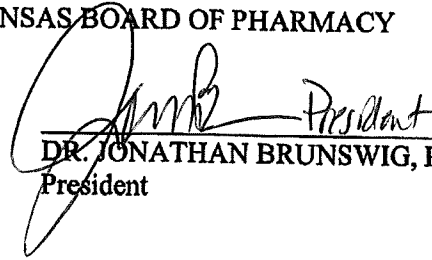
16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

17. The Respondent acknowledges that he has been advised by the Board that he 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 Judicial Review Act, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 18 day of February, 2022.

KANSAS BOARD OF PHARMACY

By:

 President

DR. JONATHAN BRUNSWIG, PharmD
President

AGREED AND APPROVED BY:



Alex T. Conley

2/16/22

Date



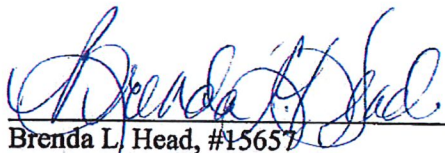
Dr. Terica Gatewood
Investigation Member

2/18/22

Date

Respondent's Attorney's Name & Address

Date



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Topeka, KS 66604
(785) 354-1100
bhead@fflawllp.com
Attorney for the Kansas Board of Pharmacy

2-17-22

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 24th day of February, 2022 addressed to:

Brenda L. Head
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Alex T. Conley
1365 E. Meadow Lane
Olathe, KS 66062
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Representative of the
KANSAS BOARD OF PHARMACY