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DEC 15 2003

BEFORE THE KANSAS STATE BOARD OF PHARMACY

IN THE MATTER)

OF)

LOUIE A. FERRO,)
RPh., License 1-10062)

Case No: 03-51

SUMMARY PROCEEDING ORDER REVOKING LICENSE

Pursuant to K.S.A. 65-1646 and K.S.A. 77-537

Now on this 2nd day of December, 2003, the above-captioned matter comes before the Kansas State Board of Pharmacy [Board], to consider appropriate discipline for Louie A. Ferro [Respondent], a pharmacist licensed in Kansas. After considering the Indictment and Judgment in *State of Missouri v. Louie A. Ferro, Jr.*, Jackson County, Missouri, Circuit Case No. CR 01-2500, matters contained in the Board's files and other matters, the Board concludes that the following Findings of Fact have been established by clear and convincing evidence:

1. Respondent's last known address is 12008 Newbury Lane, Independence, MO 64052.
2. Respondent is currently, and at all times relevant has been, licensed as a Pharmacist pursuant to K.S.A. 65-1625, *et seq.* with license #1-10062, originally issued on February 11, 1979, last renewed on July 10, 2002, with an expiration date of June 30, 2004.

3. Respondent is currently, and at all times relevant has been, licensed as a Pharmacist in the State of Missouri.

4. On September 30, 2002, Respondent pled guilty to twenty-two (22) counts of Medicaid fraud. Each of the twenty-two counts is a Class D Felony. On January 15, 2003, the Court sentenced Respondent to four years of imprisonment in the Missouri Department of Corrections related to Count I. Imprisonment for a consecutive period of four years on Counts II through XXII is suspended while Respondent serves five years of parole supervision under certain conditions following his term of imprisonment on Count I. Copies of the Indictment and Judgment are attached to this Summary Order as Exhibit A and are incorporated by reference.

5. As a result of Respondent's conviction of multiple counts of Medicaid fraud, the Missouri Board of Pharmacy has initiated disciplinary action against Respondent's Missouri license that is pending at this time.

CONCLUSIONS OF LAW AND FACT

6. K.S.A. 65-1627(2) states as grounds for revocation of a pharmacist license "the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust."

7. K.S.A. 65-1627(a)(12) provides:

The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: . . . (12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof . . .

8. Respondent has failed to notify the Kansas Board of Pharmacy of his convictions and of

the pending Missouri license proceedings. He has failed to notify the Board of his current residence with the Missouri Department of Corrections in violation of K.S.A. 65-1633.

9. The Board finds by clear and convincing evidence that Respondent has violated K.S.A. 65-1627(2) and K.S.A. 65-1633.

10. In order to protect the public in light of Respondent's twenty-two felony convictions, discipline on Respondent's Kansas license must be imposed.

ORDER

11. Respondent's license as a registered pharmacist in Kansas is immediately revoked. Respondent shall not engage in any activity or conduct in the state of Kansas for which a license as a pharmacist is required until further Order of this Board.

IT IS SO ORDERED.

Dated this 12/10th day of December, 2003

V

Mike Hurst, RPh., Chairman
Kansas Board of Pharmacy

NOTICE OF AND OPPORTUNITY FOR HEARING ON SUMMARY PROCEEDING ORDER OF REVOCATION

Pursuant to K.S.A. 77-537 this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Debra Billingsley, Executive Director
Kansas Board of Pharmacy
Landon State Office Building
900 SW Jackson, Rm 513
Topeka, KS 66612-1231

This written request must be filed within fifteen (15) days from the date indicated in the below Certificate of Service. If you do not request a hearing in the time and manner stated, this Summary Proceeding Order becomes a Final Order of the Board and is effective upon the expiration of the time for requesting a hearing.

CERTIFICATE OF SERVICE

This is to certify that on the 16 day of December, 2003, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, and a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid and return receipt requested, both addressed to:

Louie A. Ferro, Jr.
12008 Newbury Lane
Independence, MO 64052

and a copy to:

Louie A. Ferro, Jr. c/o David Crook, Probation and Parole, District Office #24
Inmate # _____ 18610 E. 37th Terrace, Independence, MO 64057
c/o Missouri Department of Corrections
Jefferson City, MO

For the Board

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