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KANSAS STATE
Board of Pharmacy

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BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Walgreens Pharmacy, No. 5793)
710 N. West Street)
Wichita, Kansas 67203,)
)
and) Case No. 10-14
)
Megan J. Ward, Pharmacy Technician,)
Registration No. 14-06864,)
1027 S. Richmond St.)
Wichita, Kansas 67213,)
)
and)
)
Jennifer Ferry, R.Ph.,)
License No. 1-12748,)
2301 N. 191st St., Cir. W)
Colwich, Kansas 67030.)

CONSENT AGREEMENT

COMES NOW, the Kansas Board of Pharmacy (the "Board" or "Petitioner") and reviews the file on Walgreen's Pharmacy #5793, Megan J. Ward and Jennifer Ferry.

THEREUPON, being duly advised in the matter, the Board finds that:

STIPULATIONS OF FACT AND LAW

1. The Board is a Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Act, K.S.A. § 65-1626, *et seq.*, including conducting hearings and proceedings to revoke, suspend, limit or otherwise discipline a Kansas license to practice pharmacy, registration as a pharmacy, and/or registration as a pharmacy technician.

2. Respondent Walgreens Pharmacy No. 5793 ("Walgreens"), is located at the address in the caption above and is registered as a pharmacy under registration no. 2-09640.

3. Respondent Megan J. Ward ("Ward") resides at the address listed in the caption above and is registered as a pharmacy technician under registration number 14-06864.

4. At all times pertinent to this Agreement, Ward was employed by Walgreens as a pharmacy technician.

5. Respondent Jennifer Ferry ("Ferry") resides at the address listed in the caption above and is licensed as a pharmacist under license number 1-12748.

6. Ferry is employed by Walgreens as a pharmacist.

7. The Board is charged with the administration of the Kansas Pharmacy Act, K.S.A. § 65-1626, *et seq.* (the "Act").

8. Pursuant to laws and regulations pertaining to the Act, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act, K.S.A. § 77-501, *et seq.* ("APA").

9. The Board has received certain information, has investigated and determined that there are reasonable grounds to believe that Walgreens, Ward and Ferry have committed an act or acts in violation of the Act, which would subject Walgreens' registration, Ward's registration and Ferry's license to discipline pursuant to K.S.A. § 65-1627.

10. K.S.A. § 65-1627(e)(1) provides:

The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon finding that: (1) Such pharmacy has been operated in such manner that violations of the provision of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith.

11. K.S.A. § 65-1637(a) states in pertinent part “all prescriptions shall be filled in strict conformity with any directions of the prescriber . . .”

12. Pursuant to K.S.A. 65-1663(e)(1), the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician 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.

13. The Board may take action against the license of a pharmacist if “the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner; . . .” K.S.A. § 65-1627(a)(6).

14. On June 19, 2009, J.N. (“Complainant”) submitted a prescription on behalf of her son N.Y. to Walgreens for Oxcarbazepine 150 mg tablets (the “Prescription”).

15. Ward filled the Prescription with Oxcarbazepine 600 mg tablets.

16. Oxcarbazepine 600 mg tablets are visibly larger than Oxcarbazepine 150 mg tablets.

17. Oxcarbazepine 150 mg tablets are scored, pale yellow with a marking of “13”/”7” on one side and a “G” on the other side.

18. Oxcarbazepine 600 mg tablets are scored, pale yellow with a marking of “13”/”9” on one side and a “G” on the other side.

19. Complainant called Walgreens to inquire about the correctness of the prescription fill.

20. Complainant gave N.Y. two doses of Oxcarbazepine 600 mg tablets.

21. N.Y. was admitted to the Wesley Medical Center intensive care unit overnight for increased sleepiness, difficulty walking and slurred speech.

22. The Board has resolved the matter with regard to Respondent Megan Ward through a Summary Consent Order dated September 2, 2011.

ORDER

Based upon the foregoing Stipulations of Fact and of law, Respondents Walgreens No. 5793 and Jennifer Ferry consent to the following disciplinary actions against Respondents Walgreens No. 5793 and Jennifer Ferry:

1. With regard to Respondent Walgreens No. 5793, the Board:
 - a. Assesses a civil fine of \$1,000.00 against Respondent Walgreens No. 5793;
and
 - b. Respondent Walgreens No. 5793 hereby waives its right to a hearing pursuant to the Kansas State Administrative Procedures Act and agrees to review and reinforce its policies and procedures with respect to the proper dispensing of prescriptions and for handling patient inquiries related to alleged prescription errors with each member of the pharmacy staff.

2. With regard to Respondent Jennifer Ferry, the Board:
 - a. Assesses a civil fine of \$500.00 against Respondent Jennifer Ferry; and
 - b. Respondent Jennifer Ferry hereby waives her right to a hearing pursuant to the Kansas State Administrative Procedures Act and agrees to complete six (6) hours of ACPE accredited continuing education related to prescription error prevention.

NOTICES

Respondents are hereby notified that:


1. In order for the Board to consider this Consent Agreement, Respondents Walgreens No. 5793 and Jennifer Ferry must each sign and return a copy of this Consent Agreement to the Board within thirty (30) days of service;

2. If Respondents Walgreens No. 5793 and Jennifer Ferry do not agree to this Consent Agreement and executed copies are not received by the Board within thirty (30) days, Respondents Walgreens No. 5793 and Jennifer Ferry will be notified of a hearing on the matter to be held at the next quarterly meeting of the Kansas State Board of Pharmacy, to be held November 30 and December 1, 2011.

2. This Consent Agreement is not binding upon the Board until it has been reviewed and agreed to by the Kansas State Board of Pharmacy at its next quarterly meeting, to be held November 30 and December 1, 2011.

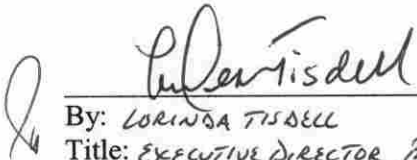
AGREED TO BY:

11/7-2011
Date



David R. Schoech, Kansas State Board of Pharmacy, Investigative Member

WALGREENS NO. 5793

11/7/11
Date



By: LORINDA TISDELL
Title: EXECUTIVE DIRECTOR, PHARMACY OPERATIONS

10-31-11
Date


Jennifer Ferry, RPh

APPROVAL OF THE BOARD OF PHARMACY

This Consent Agreement has been reviewed by the Kansas State Board of Pharmacy and is agreed to as of the date stated below.


James Garrelts, Pharm.D., President
Kansas State Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612

Date: 11/30/2011

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of December, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Consent Agreement, properly addressed to the following:

Walgreens Pharmacy, No. 5793
710 N. West Street
Wichita, Kansas 67203,

Jennifer Ferry, R.Ph.,
License No. 1-12748,
2301 N. 191st St., Cir. W
Colwich, Kansas 67030.


Holly Fisher, Compliance Counsel