

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
SEP 12 2006
KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Peter A. Forrester, Pharm.D.)
License Applicant)
_____)

Case No. 06-38

FINAL AGENCY ORDER

NOW ON THIS 12th day of September, 2006 this matter comes before the Kansas State Board of Pharmacy (hereinafter referred to as "Board") for hearing on the application of Peter A. Forrester, Pharm.D. (hereinafter referred to as "Respondent") to practice pharmacy in the state of Kansas. As a result of that hearing, the Board makes the following Findings of Fact and Conclusions of Law and enters the following Order.

FINDINGS OF FACT

1. That on March 28, 2006 the Respondent submitted an application for Licensure by Examination in order to practice pharmacy in the state of Kansas. (This fact is established through Exhibit 1, i.e. Application for licensure, application fee, and attached licensure information.)
2. That on April 28, 2006 the Board denied the application based on the revocation of the Respondent's license in the State of California. (This fact is established through a letter of denial dated April 28, 2006.)

3. That on May 12, 2006 the Board received a request for hearing from the Respondent on the issue of whether a license should be issued. (This fact is established through a letter from the Respondent received May 12, 2006 and marked as Forrester Exhibit 1.)

4. That on August 23, 2006 a Notice of Administrative Proceeding was sent to the Respondent scheduling a hearing for September 12, 2006 at 11:00 a.m. (This fact is established through a Notice of Administrative Proceeding dated August 23, 2006.)

5. That the Board's attorney presented evidence that the Respondent's license to practice pharmacy in the state of California had been revoked for generating prescriptions for dangerous drugs which were not authorized for or received by the patient and Respondent submitted claims for payment of said prescriptions to an Insurance Health plan. (This fact was established through a certified copy of disciplinary documents from the California State Board of Pharmacy, Case No. 1662 and marked as Board's Exhibit 3.)

6. That the Respondent had been disciplined one other time in California whereby the Respondent was suspended and placed on probation for refilling a prescription without authorization from the doctor's office after the physician had closed his office and retired. (This fact was established through testimony by the Respondent at the hearing of September 12, 2006.)

7. That the Respondent testified he contacted the California State Board of Pharmacy in order to have his license reinstated and he was advised that one of the conditions for consideration was that he provide affidavits from two California registered pharmacists attesting to the Respondent's character and activities. Since the Respondent has not been a resident in California since 1991 he was unable to provide said affidavits. (This fact was established through testimony by Respondent given at the September 12, 2006 hearing.)

8. That the Respondent further testified that from 1993 until 2003 he was employed by the Missouri State Division of Aging as a federally trained and certified Facility Surveyor. The job duties included inspection and certification of state-licensed long term care facilities and investigation of complaints alleged against the facilities. Part of the inspection and complaint investigation processes included monitoring facility drug dispensing activities. (This fact was established through testimony by Respondent given at the September 12, 2006 hearing.)

9. That the Respondent was asked whether he had kept up with Continuing Education and he testified he had not. (This fact was established through testimony by Respondent given at the September 12, 2006 hearing.)

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1632 © the Board may deny

renewal of any license of a pharmacist on any ground which would authorize the Board to deny an initial application for licensure or on any ground which would authorize the Board to suspend, revoke, or place on probation a license previously granted.

2. That K.S.A. 65-1627 sets forth the grounds for which a license can be denied.

3. That a license can be denied upon a finding that the Respondent has had a license to practice pharmacy revoked, suspended, 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. K.S.A. 65-1727(a)(12).

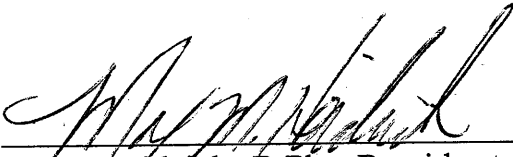
4. That based upon the Respondent's revocation of license in California the Board concludes that the Respondent's license application as a pharmacist should be denied.

ORDER

The Respondent's application for licensure to practice as a pharmacist in the State of Kansas is denied.

IT IS SO ORDERED effective the 12th day of September, 2006.

THE KANSAS PHARMACY BOARD

By: 
Max Heidrick, R.Ph., President

NOTICE TO PARTIES

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established by K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Secretary
Kansas State Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Final Agency Order and Notice to Parties was served to the following persons by depositing in the United States mail, postage prepaid, this 25 day of October, 2006.

Peter A. Forrester, Pharm.D.
7110 Lackman Road, #1503
Shawnee, KS 66217

Randy Forbes
FRIEDEN & FORBES
555 S. Kansas Ave., Ste. 303
Topeka, KS 66601-0639



Debra L. Billingsley
Executive Secretary