

**STATE OF KANSAS
BEFORE THE KANSAS STATE BOARD OF PHARMACY**

Filed
JUN 09 2010
KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Cristina D. Gray, R.Ph.) Case No. 09-85
Kansas License No. 1-14434)
_____)

INITIAL CONSENT AGREEMENT

This Initial Consent Agreement (“Initial Agreement”) is based upon the following statements of fact and stipulations of the parties in the above captioned matter:

STATEMENTS OF FACT

1. The Kansas State Board of Pharmacy (“Kansas Board”) is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, *et seq.*) and with the enforcement of the rules and regulations promulgated thereunder (K.A.R. 68-1-1a *et seq.*). The Licensee is Cristina D. Gray, R.Ph, License No. 1-14434, (“Licensee”) who currently resides at 4926 McCoy, Shawnee, Kansas 66226. Licensee is subject to all laws and regulations pertaining to the practice of pharmacy administered by the Kansas Board.

2. Pursuant to laws and regulations pertaining to the practice of pharmacy, the Kansas Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.* Such proceedings could result in suspension, revocation, and other disciplinary actions affecting Licensee’s ability to work as a Licensed Pharmacist in the State of Kansas.

3. On April 19, 2010, the Missouri Board of Pharmacy (“Missouri Board”)

issued a Disciplinary Order involving Licensee in a case captioned Missouri Board of Pharmacy v. Cristina D. Gray, Case No. 09-0201 PH ("Missouri Disciplinary Order"). On pages 3-8 of the Missouri Disciplinary Order, the Missouri Board placed Licensee on probation for five years and established numerous terms with which Licensee must comply during the course of her probationary period. Included in Licensee's terms of probation are mandatory drug testing/urinalysis, alcohol/drug abuse counseling and treatment, and regular attendance at Alcoholics Anonymous/Narcotics Anonymous meetings. A copy of the Missouri Disciplinary Order was provided to the Kansas Board's Executive Director.

4. Shortly after the Missouri Disciplinary Order was issued, Licensee requested judicial review by filing a Petition in the Circuit Court of Cole County, Missouri in a case captioned Cristina D. Gray vs. Missouri Board of Pharmacy, Case No. 09AC-CC00321.

5. On May 6, 2010, the Cole County Circuit Court issued an order staying the Missouri Disciplinary Order pending judicial review. In its "Stay Order," the court enjoined the Missouri Board from taking any action to disseminate information regarding the Missouri Disciplinary Order while the court's stay remains in effect but not to exceed 60 days. A copy of the court's "Stay Order" is contained in the official file for Licensee maintained by the Kansas Board.

6. The Cole County Circuit Court's "Stay Order" is complete in that it stays every disciplinary action taken by the Missouri Board pending judicial review.

7. At this time, the Kansas Board bases any disciplinary action it has jurisdiction to take regarding the Licensee's ability to practice pharmacy in the State of Kansas upon action taken by the Missouri Board pursuant to K.S.A. 65-1627(a)(12), which provides:

(a) 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. Since the Missouri Disciplinary Order has been stayed by the Cole County, Missouri Circuit Court, the Kansas Board will likewise stay any action to pursue formal disciplinary proceedings against Licensee upon Licensee's compliance with the following stipulations of the parties:

STIPULATIONS OF THE PARTIES

9. The Kansas Administrative Procedure Act specifically authorizes parties to resolve matters as expeditiously as possible without the need for evidentiary hearings or more formal proceedings under the Act. K.S.A. 77-505 It is the intent of both parties to avoid the immediate initiation of proceedings to formally limit, suspend or revoke Licensee's privilege to practice pharmacy in the State of Kansas. Therefore, Licensee voluntarily agrees to:

a) Keep the Kansas Board informed of any changes to her name, address, and telephone number,

b) Keep the Kansas Board informed of the name, address, and telephone number of the attorney representing her before the Missouri Board and the Circuit Court of Cole County, Missouri cases mentioned above,

c) Keep the Kansas Board informed of any substantial rulings by the Missouri Board and the Circuit Court of Cole County, Missouri cases mentioned above,

d) Keep the Kansas Board informed of any new disciplinary actions

or orders issued by the Missouri Board or other state or territorial pharmacy boards in the United States, and

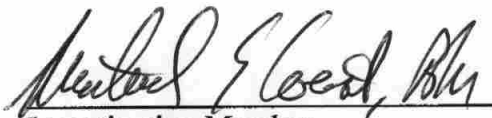
e) Comply with all state and federal pharmacy laws and regulations

10. By signing this Initial Consent Agreement, Licensee is bound by its statements of fact and stipulations. However, Licensee is not admitting that she has violated Kansas Pharmacy laws, Kansas Pharmacy regulations, or requirements of the Kansas Board.

11. Nothing in this Initial Consent Agreement shall prevent the Board from filing any administrative proceedings to suspend, revoke, or otherwise limit the Licensee's pharmacy license upon its sole determination that just cause exists at the time of said action. However, should formal administrative actions be initiated by the Board, pursuant to petition or emergency proceedings, Licensee shall have those rights provided by the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.

12. It is specifically understood by Licensee that any violation of this Initial Consent Agreement constitutes just cause to initiate a formal administrative proceeding to suspend, revoke, or otherwise limit the Licensee's pharmacy license.

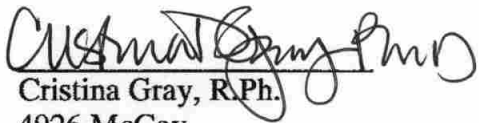
IN WITNESS WHEREOF, the parties have executed this Initial Consent Agreement on the dates specified by their signatures below.



Investigation Member
Kansas State Board of Pharmacy
Landon State Office Building
900 SW Jackson Street- Suite 560
Topeka, KS 66612-1230
(785) 296-4056 Main Office
(785) 296-8420 FAX

Date: _____

4/9/2010



Cristina Gray, R.Ph.
4926 McCoy
Shawnee, Kansas 66226
(913) 422-3142

Date: 5/26/10

APPROVED BY:



Steven R. Schanker
Bortnick, McKeon, Sakoulas & Schanker, P.C.
1222 McGee Street
Kansas City, Missouri 64106-2415
(816) 221-2470

Date: 5-25-10

DRAFTED BY:



William C. Rein KS # 09579
Disciplinary Counsel
Kansas State Board of Pharmacy
(785) 266-3790

Date: 6/2/2010

CERTIFICATE OF SERVICE


I hereby certify that on this 28 day of May, 2010, I deposited a true and correct copy of the above and forgoing "Initial Consent Agreement" in the United States Mail, postage prepaid, and addressed to:

Cristina Gray, R.Ph.
4926 McCoy
Shawnee, Kansas 66226

Steven R. Schanker
Bortnick, McKeon, Sakoulas & Schanker, P.C.
1222 McGee Street
Kansas City, Missouri 64106-2415

William C. Rein KS # 09579
Disciplinary Counsel
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William C. Rein
1831 SE 43rd Terrace
Topeka, KS 66609-1732



Staff Member

CERTIFICATE OF SERVICE

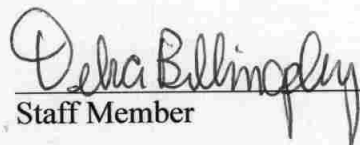
I hereby certify that on this 9 day of June, 2010, I deposited a true and correct copy of the above and forgoing "Initial Consent Agreement" in the United States Mail, postage prepaid, and addressed to:

Cristina Gray, R.Ph.
4926 McCoy
Shawnee, Kansas 66226

Steven R. Schanker
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