BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)		
Chris Henington, RPh)	Case No.:	13-54
License No. 1-13153)		

CONSENT ORDER AND FINAL AGENCY ORDER

COMES NOW, the Kansas Board of Pharmacy (the "Board"), by and through Christina Morris, Board Counsel ("Petitioner") and Chris Henington, RPh (Licensee), and moves the Board for approval of Consent Order and Final Agency Order affecting Licensee's license to practice pharmacy in the state of Kappas. The Parties supulate and agree to the following:

THEREUPON, being duly advised in the matter, the Board and Licensee agree as follows:

AUTHORITY

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 proceedings to formally limit, suspend, or revoke Licensee's privilege to function as a pharmacist in the state of Kansas. Therefore, Licensee voluntarily agrees to the terms and conditions contained herein.

WAIVER OF RIGHTS

Licensee understands that he has the following rights in this case: The right to

discovery, a hearing before the Board, and if found in violation of the Kansas Pharmacy

Act, the right to appear before the District Court and Kansas appellate courts pursuant to

the Kansas Judicial Review Act (the "KJRA"). Knowing these rights, Licensee, by

signing this agreement, knowingly and voluntarily suspends these rights at this time,

including the right to a hearing by the Board.

Licensee hereby acknowledges his right to be represented by a lawyer of his own

choosing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board has jurisdiction over Licensee, his license to practice pharmacy and the

subject matter of this Consent Agreement and Final Agency Order pursuant to the

provisions of K.S.A. 65-1601 et seq., otherwise known as the Kansas Pharmacy

Act.

2. Licensee was licensed to practice as a pharmacist in the state of Kansas at all

times relevant to the disciplinary action in this case. His license was issued on

September 10, 1999 and was last renewed on June 24, 2011 with an expiration

date of June 30, 2013.

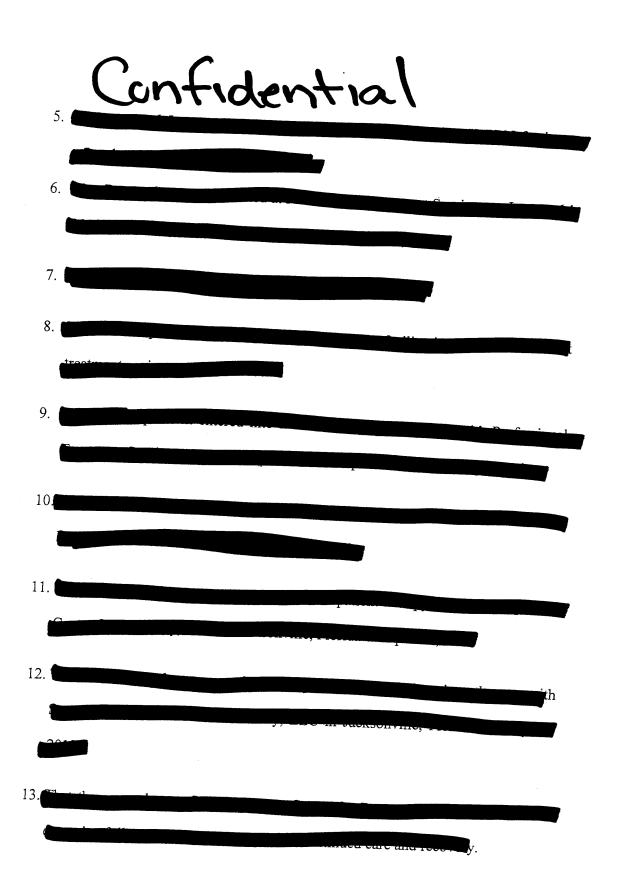
3. Licensee hereby admits that the following facts are true and waives any further

proof in this or any other proceeding before or initiated by the Board in this case.

4. Respondent's last known mailing address to the Board is

is

Chris Henington, RPh Kansas License No. 01-13153 Consent Order



- 14. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Pharmacy Act and the Kansas Controlled Substance Act with respect to the above allegations and findings.
- 15. Pursuant to K.S.A. 65-1627(a), the Board may revoke, suspend, limit, censure or place Licensee's license under probationary conditions as follows:
 - (3) the licensee has been found by the board to be guilty of unprofessional conduct or professional incompetency;
 - ,(4) the Licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;
 - (5) the licensee has violated a provision of the federal or state food, drug, and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.
 - (8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;
- (13) the licensee has an addiction to drugs or alcohol that if not treated, would render the licensee unfit to practice the profession of pharmacy.
- 12. The Board finds and concludes, and Licensee agrees, that based upon Licensee's above-described violations of the Kansas Pharmacy Act, the following discipline is just and appropriate under the circumstances.

DISPOSITION

13. The Licensee shall be placed on a five (5) year probation. Credit toward

satisfying the five-year period of probation shall be given only when Licensee is in

total compliance with all provisions of this order.

The prescribed period of probation shall not run during any period of time during

which:

a. Licensee is not actively participating in the KsPRN program as approved

by the Board.

b. Licensee is not otherwise in full compliance with the terms of the Consent

Agreement.

14. Licensee will enter into a contract with KsPRN Peer Assistance Program. As a

term of this Order and the Licensee's probationary status, Licensee is required to

successfully complete the contract with KsPRN. Licensee must remain in the KsPRN

program until such time as he completes the program, is released from its terms of the

contract, and provides written documentation of release from KsPRN program to the

Board for its approval of said release.

15. Licensee agrees that he is responsible to contact KsPRN within ten (10) days of

the final execution of this Order to make sure that he has signed all documents

necessary for KsPRN to provide monitoring.

16. Licensee shall submit to urine or blood tests during participation in the treatment

program contract, as ordered by KsPRN, at a frequency determined by the Committee

on Impaired Pharmacy Providers (CIPP). All screens or tests shall be administered

and monitored by an approved program personnel. A missed urine screen or blood

Chris Henington, RPh Kansas License No. 01-13153 test shall be presumed positive for prohibited substances. Use or ingestion of poppy

seeds or hemp oil shall not excuse a positive urine screen or blood test. Licensee

must submit satisfactory verified tests results for all random urine screening or blood

testing conducted as part of his treatment program with the Consent Order.

17. Licensee shall comply fully and in a timely manner with all requirements,

recommendations and directions of the treatment program and the KsPRN.

Requirements, recommendations, and directions may include:

i. Submission by Licensee to such examinations as the KsPRN may deem

appropriate to determine Licensee's physical or mental condition and/or his ability

to practice pharmacy safely.

The taking by Licensee of such therapy courses of training or education as ii.

may be needed to correct deficiencies found by such examinations;

The review and supervision of Licensee's pharmacy practice as may be iii.

necessary to determine the quality of his practice and to correct deficiencies

therein; and

iv. The imposition of restrictions upon the nature of Licensee's practice to assure

that he does not practice beyond the limits of his capabilities.

18. Licensee hereby waives any right or claim of confidentiality against the treatment

program for any information, test results or other data pertaining to Licensee's

rehabilitation progress, or lack thereof, and will execute a release authorizing the

treatment program to release any and all information pertaining to Licensee's case to

the KsPRN or Board, upon the request of either. Licensee shall keep all releases

current and in effect.

19. Licensee must immediately notify the Board in writing if he withdraws from, is

removed from, is terminated from, or otherwise fails to participate fully and

satisfactorily in his approved program.

20. Upon successful completion of the KsPRN program, Licensee may request that

the Board discharge him from the treatment program by filing a Petition for

Reconsideration. All terms of the treatment program (along with the terms of this

Order) must be completed prior to such petition. The Board will determine whether

Licensee's discharge from the treatment program is appropriate after consideration of

the Petition for Reconsideration, accompanying documents and certifications, and any

other relevant evidence.

21. Licensee shall not serve as a manager, supervisor, preceptor, or consultant at any

Kansas pharmacy during the probationary period. Licensee shall not practice

pharmacy at more than three pharmacies per quarterly reporting period.

22. Prior to accepting employment or changing location of any employment which

requires a pharmacist license, Licensee shall provide a complete copy of this Order to

each pharmacist manager and immediate supervisor at each location in the state of

Kansas at which Licensee intends to practice pharmacy during the probationary

period.

23. Licensee shall not work alone during the probationary period.

24. Licensee shall not fill prescriptions for himself or any of his immediate family

members.

25. Licensee shall not serve as a pharmacist-in-charge during the probationary period.

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26. Licensee shall practice a recovery program that emphasizes and entails abstinence

from all mood altering drugs or alcohol.

27. Within thirty (30) days after Licensee accepts employment or changes location of

any employment as a pharmacist in the state of Kansas, each pharmacist manager and

immediate supervisor shall submit a written report to KsPRN using forms provided

by KsPRN setting forth:

a. The name and address of the employer of Licensee and the name of the

pharmacist manager and immediate supervisor.

b. The duties and responsibilities to be carried out by Licensee.

c. An acknowledgement from Licensee's pharmacist manager and immediate

supervisor that he or she has received a complete copy of this Order, and that he

or she has read and understands its contents, including the nature of the

misconduct which forms the basis of this disciplinary action; and

d. An affirmative statement that the pharmacist manager and immediate

supervisor agree to notify the Board, in writing, within seventy-two (72) hours of

any evidence of a subsequent violation by Licensee of a violation of this Order, or

of the Kansas Pharmacy Act, or Board rules and regulations governing the

practice of pharmacy.

e. If there is a change in the management and/or supervision of Licensee

where Licensee is employed in the practice of pharmacy, Licensee agrees to

provide a complete copy of this Order to his new manager and/or supervisor,

immediately upon that new manager or supervisor assuming his or her duties.

Within thirty (30) days of receipt of the Order, the new manager or supervisor

shall report said receipt to KsPRN as well as fulfill requirements of paragraphs 26

(a) through (d) as indicated above.

28. Credit towards the completion of this probationary period shall only be given

during such periods of time that Licensee is in total compliance with all provisions of

the Consent Agreement.

29. The terms and conditions of this Consent Agreement shall become effective on

the day it is approved, accepted and made an order of the Board as a result of the

execution and issuance of the Consent Agreement.

30. Upon execution by all parties the Consent Agreement shall be a public record,

maintained in the custody of the Board.

31. Discharge from the requirements of the Consent Agreement must be requested in

writing by Licensee. The Board will consider any request for discharge during the

ordinary course of business. It shall be Licensee's sole responsibility to establish,

through written or other documentation, that Licensee has met all terms and

conditions of the Consent Agreement. Licensee's probationary period shall continue

until formally discharged by a Board by Pharmacy order.

32. Failure to comply with these terms and conditions shall be deemed a violation of

the Consent Agreement, and shall result in any and all sanctions against Licensee's

license allowed by law, including but not limited to suspension or revocation of

Licensee's license to practice pharmacy in the State of Kansas.

Chris Henington, RPh Kansas License No. 01-13153 AGREEMENT OF THE PARTIES

The parties below have read this Consent Agreement, know and understand its

contents, and agree to comply with its terms. Licensee specifically agrees to waive the

constitutional rights enumerated above.

Licensee acknowledges that this Consent Order has been entered into freely and

voluntarily.

Upon execution of this Consent Order by affixing a Board authorized signature

below, the provisions of this Consent Order shall become a Final Order under K.S.A. 65-

1627f. This Consent Order shall constitute the Board's Order when filed with the office

of the Executive Secretary for the Board and no further Order is required.

This Consent Order constitutes disciplinary action. The Board may consider all

aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties

contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the Board will retain jurisdiction over this matter and

the Licensee.

IT IS SO ORDERED on this 6 day of June, 2013.

FOR THE KANSAS STATE BOARD OF PHARMACY

Much

David Schoech

President

10-6-2013

Date

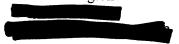
Chris Henington, RPh Licensee

Date

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10 day of 100 day o

Chris Henington



And the original filed with the office of:

Debra Billingsley Executive Secretary Kansas Board of Pharmacy 800 SW Jackson, Ste. 1414 Topeka, Kansas 66612

Board Authorized Signature

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