

Doug M. Taylor, KS Bar #23690  
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Filed  
AUG 24 2012  
KANSAS STATE  
Board of Pharmacy

**BEFORE THE KANSAS STATE BOARD OF PHARMACY**

*In the Matter of*

James Latta, R.Ph.  
License No. 1-15385.

)  
) Case No. 12-116  
)  
)

**EX PARTE EMERGENCY ORDER OF SUSPENSION**

NOW on this 24 day of August, 2012, this matter comes before the Investigative Member of the Kansas State Board of Pharmacy on a Motion for Ex Parte Emergency Order of Suspension in the matter of James Latta ("Respondent"). On August 23, 2012, the Compliance Counsel for the Board ("Petitioner") filed a Motion for Ex Parte Emergency Order of Suspension. Upon review of the Motion, the Investigative Member finds, concludes and orders the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Board has previously issued Respondent License No. 1-15385 which entitled him to practice pharmacy in the State of Kansas.
2. Pursuant to K.S.A. 65-1627 and 77-536, the Investigative Member may issue an emergency order without notice and hearing, and may temporarily limit or suspend a registration if the Investigative Member finds an imminent danger to the public health, welfare, or safety.

3. The Investigative Member has received and reviewed a Motion for Ex Parte Emergency Order of Suspension filed with the Board on August 23, 2012. The motion requests an emergency suspension of Respondent's license.
4. The aforementioned motion alleges that Respondent is in violation of the Kansas Pharmacy Act:
  - a. Respondent self-reported to the Committee on Impaired Pharmacy Practice (CIPP) on or about July 13, 2012.
  - b. As a prerequisite to his CIPP participation, Respondent underwent an initial evaluation with Professional Treatment Services in Lawrence, KS, on or about July 16, 2012.
  - c. Respondent's initial evaluation indicated a substance abuse problem, and recommended further participation in the CIPP program and enrollment in an intensive outpatient therapy program.
  - d. On or about July 29, 2012, Respondent admitted to fraudulently adding refills to a prescription for Tussinex, and was terminated from his employment with Walgreens Pharmacy #7778 in Topeka, KS.
  - e. As a result of this arrest, Respondent was reported to the Board, and case number 12-116 was opened.
  - f. After some delay, Respondent completed and submitted the required forms to CIPP, officially enrolling himself in the program on August 9, 2012.
  - g. As of this date, Respondent has yet to enroll in the intensive outpatient therapy program as required by his CIPP agreement.

- h. Respondent's actions, in combination with his evaluation, indicate that he is currently unfit for the practice of pharmacy.
  - i. On August 14<sup>th</sup>, 2012, the Board sent Respondent a Consent Agreement requesting that he voluntarily surrender his license until he had progressed farther along in his treatment with CIPP.
  - j. On August 22, 2012, the Board attempted to contact Respondent via telephone and email to inform him that if he did not respond to the Consent Agreement, the Board would need to file an Emergency Order of Suspension against his license.
  - k. As of the date of this Motion, Respondent has yet to respond to the Board's Consent Agreement, or to the phone call and email of August 22, 2012.
  - l. By failing to respond to the reasonable requests of both CIPP and the Board, Respondent has failed to sufficiently comply with the directives of CIPP and thus is in noncompliance with his CIPP contract.
  - m. Respondent has also violated K.S.A. 65-1627(a)(3), further defined by K.S.A. 65-1626(rr), in that he has committed conduct likely to deceive, defraud or harm the public.
  - n. Respondent has also violated K.S.A. 65-1627(a)(4), in that he has shown to be addicted to a liquor or drug habit to such a degree as to render the Respondent unfit to practice the profession of pharmacy.
5. For the reasons specified in Paragraph 4, the Investigative Member finds that Respondent is an imminent danger to the public health, safety and welfare.

## ORDER

IT IS THEREFORE ORDERED, that the pharmacist license of James Latta is hereby immediately suspended.

IT IS FURTHER ORDERED, that Respondent shall authorize CIPP, the Board and any provider of evaluation or treatment services to provide full and complete documentation and information regarding Respondent's involvement in the programs.

IT IS FURTHER ORDERED, that the Board counsel shall serve this Order in the manner provided by law, and shall complete and file a proof of service.

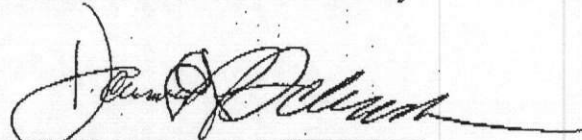
IT IS FURTHER ORDERED, that a protective order is granted to protect all confidential information under K.S.A. 65-1695.

## NOTICE

1. A hearing on this matter will be scheduled as soon as practicable before the Board of Pharmacy. The issue to be determined shall be whether Respondent's suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.
2. This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the district court pursuant to K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days of the service of this order. A copy of any petition for judicial review must be served upon the Board's Executive Director, at 800 SW Jackson, Ste. 1414, Topeka, KS 66612.


Dated this 24<sup>th</sup> day of August, 2012.

Kansas State Board of Pharmacy



David Schoech  
Investigative Member

Prepared by:

  
Doug Taylor, KS Bar #23690  
Compliance Counsel  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 24 day of August, 2012, send via first class U.S. mail a copy of the foregoing Ex Parte Emergency Order of Suspension, properly addressed to the following:

James Latta  
3415 SW Briarwood Lane  
Topeka, KS 66611

  
Doug Taylor, Compliance Counsel

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of  
James Latta, R.Ph.

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)  
)

Case No. 12-116

**ORDER OF CONTINUANCE**

The above-captioned matter came on for hearing before the Kansas Board of Pharmacy at its meeting on September 14, 2012. Doug Taylor appeared as the Board's Compliance Counsel. James Latta, R.Ph. (the "Respondent") appeared in person and without counsel.

The Kansas license to practice pharmacy issued by the Board to James Latta, R.Ph. was placed on suspended status by an Emergency Order issued by the Board's Investigation Member on August 24, 2012 (the "Emergency Order").

At the request of and with the agreement of the Respondent, this matter is continued until Respondent advises the Board's Executive Director that he would like it reset, at which time the matter will again be put on the Board's agenda for a subsequent Board meeting. In the interim, with the agreement of the Respondent, the Emergency Order will remain in effect and the Respondent's Kansas license to practice pharmacy shall remain suspended.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

09-22-2012



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David R. Schoech, President  
Kansas Board of Pharmacy

IT IS SO ORDERED.

Dated: 09-22-2012



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David R. Schoech, President  
Kansas Board of Pharmacy

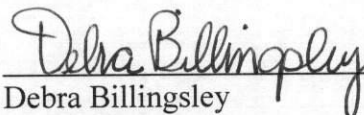
**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 25 day of September, 2012, deposit in the United States mail, postage prepaid, a copy of the foregoing ORDER OF CONTINUANCE, properly addressed to the following:

James Latta  
3415 SW Briarwood Lane  
Topeka, KS 66611

Randall J. Forbes  
FRIEDEN, UNREIN & FORBES LLP  
555 S. Kansas Avenue, Suite 303  
Topeka, KS 66603

Doug M. Taylor  
Kansas State Board of Pharmacy  
800 SW Jackson St., Suite 1414  
Topeka, KS 66612

  
\_\_\_\_\_  
Debra Billingsley  
Executive Secretary  
Kansas Board of Pharmacy