

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 16-088
Teresa Lowe)	
)	
License No. 1-13465)	

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Teresa Lowe (the "Respondent"), as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein, Forbes & Biggs LLP, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by her attorney, Kelly A. Ricke of Evans & Dixon LLC, 9393 W. 110th St., Ste. 120, Suite 900, Overland Park, KS 66210.

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.* (the "Act"), including conducting hearings and proceedings to grant, deny, revoke, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to practice as a pharmacist in the State of Kansas by reason of the Board having issued her Kansas License Number 1-13465 ("Kansas License"). At all times relevant hereto, the Respondent has held a current license to practice as a pharmacist in the state of Kansas.

4. The Board's Investigative Member has received notification from Respondent and the Missouri Board of Pharmacy indicating Respondent violated Missouri pharmacy practice laws.

5. The Respondent hereby admits and waives any further proof in this or any other

proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds the following:

A. On or about May 25, 2016, the Board received a notification from the Missouri Board of Pharmacy indicating that Respondent's Missouri pharmacy license was placed on probation for a period of two years, beginning May 17, 2016. The notification also included a copy of the Missouri Settlement Agreement, which found that Respondent committed dispensing errors on numerous occasions during her employ as a pharmacist.

B. On or about July 6, 2016, the Board received confirmation of the Missouri Settlement Agreement from Respondent's attorney. This notification also included the Settlement Agreement.

Upon motion duly made, seconded and passed, the Board finds and concludes that the events described in paragraph 5 above are grounds for disciplinary action against the Respondent's Kansas License pursuant to K.S.A. 65-1627(a)(12).

6. Respondent hereby agrees not to contest, in this or any other proceeding before or initiated by the Board.

7. The Respondent consents and the Board finds, concludes and orders that the following disposition is just and appropriate under the circumstances:

A. **REPORTING REQUIREMENT.** Respondent agrees to report all employment in the state of Kansas to the Board within ten days of such employment.

B. **RESTRICTION.** Respondent is hereby restricted from serving in the capacity of Pharmacist in Charge while employed at any Kansas pharmacy until released from the Missouri probation on or around May 2018.

C. REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order she must:

- i. Comply fully with this Stipulation and Consent Order;
- ii. Comply fully with the Missouri Settlement Agreement and
- iii. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations, and all state and federal laws relating to Kansas pharmacies.

8. The Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and/or its attorney regarding the investigation which led to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order, and the Final Order provided for herein, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

9. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved by the Board and the Final Order provided for herein is entered as a final order by the Board. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order or the Final Order provided for herein.

10. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Respondent further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, is constitutional on its face and as applied in this case.

11. This Stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

12. The Respondent acknowledges that she has the following rights:
- A. To have formal notice of charges served upon her;
 - B. To file a response to the charges;
 - C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of fact and conclusions of law based only upon evidence admitted at such hearing; and
 - D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* and the Act for Judicial Review and Civil Enforcement of Agency Action, K.S.A. 77-601 *et seq.*

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order and the Final Order provided for herein.

13. The Respondent acknowledges that she enters into this Stipulation and Consent Order freely and voluntarily after consultation with counsel of her choosing. The Respondent

further acknowledges that she has caused an authorized representative to read this Stipulation and Consent Order in its entirety, that authorized representative understands its legal consequences and that the Respondent agrees that none of its terms are unconscionable, arbitrary or capricious.

14. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against it. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

15. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

16. Upon approval and entry of the Final Order by the Board, this Stipulation and Consent Order shall be a public record in custody of the Board.

17. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order by the Board by way of signature of the Board's authorized representative.

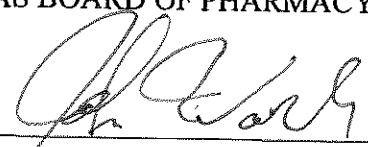
18. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee

County, Kansas in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-6601 *et seq.*, and to serve such a petition for judicial review on the Kansas Pharmacy Board by serving Alexandra Blasi, its Executive Secretary, at 900 SW Jackson Street, Suite 1414, Topeka, Kansas 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 17th day of August, 2017.

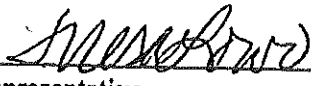
KANSAS BOARD OF PHARMACY

By:



John Worden, PharmD
President


AGREED AND APPROVED BY:



Representative
Teresa Lowe
817 SE Bluebird
Blue Springs, MO 64014

4/21/17

Date



Chad Ullom, R.Ph.
Investigation Member

8/15/17

Date



Kelly A. Ricke
Evans & Dixon LLC
9393 West 110th St., Ste. 120
Overland Park, KS 66210
(913) 701-6810
Counsel for Teresa Lowe

4/28/17

Date

Randall J. Forbes, KS#09089 MO#64335
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
(785) 354-1100
Counsel for the Kansas State Board of Pharmacy

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this _____ day of _____, 2017 addressed to:

Kelly A. Ricke
Evans & Dixon LLC
9393 West 110th St., Ste. 120
Overland Park, KS 66210

Teresa Lowe
817 SE Bluebird
Blue Springs, MO 64014

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Kansas Board of Pharmacy Staff