

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 14-070

James Williams, R.Ph.
Kansas License No. 1-15476

ORDER

On November 9, 2017, this matter came on for hearing before the Kansas Board of Pharmacy (Board) to review the compliance of James Williams with the KsPRN program as required by the December 12, 2015 Amended Consent Agreement (filed on February 8, 2016).

Appearing on behalf of the Board were the following members: John Worden, PharmD, President; Robert Haneke, PharmD; Chad Ullom, R.Ph.; Bill Walden, R.Ph.; Jonathan Brunswig, PharmD; and Cheri Pugh, Public Member.

Mr. Williams appeared *pro se* and testified on his own behalf.

Randall J. Forbes appeared as the Disciplinary Counsel for the Board.

Findings of Fact

Mr. Williams currently holds a pharmacy license in the State of Kansas.

On October 17, 2014, the Board entered a Consent Order, based upon Mr. Williams' Stipulation.

Among other things, the Consent Order required Mr. Williams to enter into a five-year *Statement of Understanding* ("Agreement") with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program now known as the

KsPRN/CIPP program, and remain in full compliance with the requirements of the Agreement.

The Consent Order provided that Mr. Williams should not practice pharmacy until released to do so by the CIPP Committee (“Committee”).

On July 20, 2015, Mr. Williams signed a Consent Agreement, also signed by the Board’s Investigation Member on behalf of the Board, in which the Mr. Williams agreed to not practice pharmacy until allowed to do so by a subsequent order.

On November 14, 2015, Committee advised the Board that in the Committee’s opinion, Mr. Williams should be allowed to return to work as a pharmacist with the same restrictions set forth in the Consent Order.

The Board’s Investigation Member was willing to amend the Consent Agreement to allow Mr. Williams to return to the practice of pharmacy with the same restrictions set forth in the Consent Order.

The Amended Consent Agreement was entered into by Mr. Williams and the Board on December 12, 2015, provided that Mr. Williams could return to the practice of pharmacy with the same restrictions set forth in the prior Consent Agreement.

The Amended Consent Agreement also provided that “[s]hould the Board determine, in good faith, but in its sole and exclusive discretion, that the Licensee [Mr. Williams] has failed to comply with the provisions hereof, this Agreement shall cease and shall not thereafter prevent, in any respect, the Board from issuing an emergency order suspending or otherwise limiting the Licensee's Kansas License to

practice pharmacy.”

On October 20, 2016, Kelly Rockers, KsPRN Manager sent a letter to Mr. Williams, the content of which is as follows:

I am sending this letter to inform you that on October 13, 2016, the Committee on Impaired Pharmacy Practice (CIPP) met and discussed your case regarding non-compliance. On August 16th, 2016, you missed calling into Firstlab. On August 25th, 2016, you missed a call in and a test. On the 26th when you tested, your results came back with a low creatinine level. On September 20th, 2016, you missed calling into Firstlab again. In 2015, the CIPP committee required that you be re-evaluated for the same reasons. Although you have contacted me to let me know about your missed test and call-ins, this still does not excuse you from following the Statement of Understanding that you signed with the KsPRN/CIPP program.

It was decided by the CIPP committee that they will forgive one of your missed call-ins to Firstlab. If you miss another call-in, fail to test, have a positive test, or anything else that may not comply with the KsPRN/CIPP program, the committee will take into consideration that missed call-in. This may result in possible referral for non-compliance to the Board of Pharmacy. If you have any questions, please feel free to contact me at 785.217.7091.

On October 17, 2017, Kelly Rockers, KsPRN Manager sent a letter to Mr. Williams, the content of which is as follows:

This letter is to inform you that on October 12, 2017, the Committee on Impaired Pharmacy Practice (CIPP), met and discussed your compliance with the Kansas Pharmacist Recovery Network program (KsPRN).

On October 20, 2016, I sent you a letter notifying you of your missed calls to FirstLab, missed testing and your low creatinine tests. In that letter, you were given leniency and forgiveness for one of your missed calls. You were also notified at that time that if you had any other missed call ins, missed drug tests, low creatinine tests or anything else that would be considered non-

compliant with the KsPRN "Statement of Understanding" that you signed, the CIPP committee would take this into consideration and may result in possible referral to the Kansas Board of Pharmacy (KsBOP).

Since the time of that letter you have had the following:

July 20, 2017 - Called into FirstLab but did not test when required

July 21, 2017 - Tested without being required to test-Test resulted in Low Creatinine

August 17, 2017 - Test resulted in Low Creatinine

August 25, 2017 - Called into FirstLab late - Considered a missed call in

September 13, 2017 - Test resulted in Low Creatinine

September 18, 2017 - Missed call in to FirstLab

September 19, 2017 - Test resulted in Low Creatinine

It was the CIPP committee's decision at the October 12, 2017 meeting to refer you to the KsBOP for non-compliance at this time.

On October 17, 2017, Ms. Rockers sent a letter to Alexandra Blasi, Executive Secretary of the Kansas Board of Pharmacy, referring Mr. Williams to the Board for review of his compliance with the KsPRN program, and requesting that if Mr. Williams be allowed to continue in the KsPRN program, that he be required to submit to blood or hair samples in the future, at his expense. Ms. Rockers specifically noted "the continued low creatinine tests pose a problem with compliance in the KsPRN program and Mr. Williams' continued excuse of having a shy bladder being the reasoning is not acceptable."

On October 18, 2017, a Notice of Administrative Hearing was served on Mr. Williams advising that a hearing had been scheduled on November 9, 2017, before the Board to review his compliance with the KsPRN program.

Discussion

During the hearing, Mr. Williams provided an explanation as to his July 2017 missed appointment and provided further explanation of his medical issue preventing him from providing the required urine sample. He also admitted that on a couple of occasions he had “just not called in.”

First, the Board notes that Mr. Williams has a pattern, over the last two years of not calling in. This indicates to the Board that Mr. Williams does not view this requirement as important. While Mr. Williams testified that he has been dealing with family issues, the Board finds Mr. Williams’ failure to call in, for whatever reason, inexcusable. **Such conduct will not be tolerated in the future.**

Second, while Mr. Williams argued that he has never had a positive drug test and never will, such argument is suspect given his repeated history of missed tests and test results with low creatinine. Mr. Williams testified, however, that he is willing to submit to a hair follicle test and wants to be in compliance with the program.

The Board believes that it has been very generous with Mr. Williams in allowing him to return to practice as a pharmacist. The Board, however, expects strict compliance by Mr. Williams with the KsPRN program in the future.

Order


Mr. Williams shall be allowed to continue in the KsPRN program and retain his license to practice as a pharmacist at this time. As announced to Mr. Williams during the hearing, the Board will have a zero tolerance for missed or failed tests in the future.

In addition, all future testing shall be by submission of a hair follicle sample, at Mr. Williams' expense.

Lastly, Mr. Williams shall sign a new agreement with KsPRN extending the term of his KsPRN participation agreement to five years from the date the parties enter into the new agreement.

IT IS SO ORDERED.

12-1-17
Date



John Worden, PharmD
President, Kansas Board of Pharmacy

CERTIFICATE OF SERVICE


On December 7, 2017, I mailed a copy of this document
to:

James Williams, R.Ph.
3117 Victoria Lane Dr.
Blue Springs, MO 64105

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

and hand-delivered a copy to the Board file at:

Kansas Board of Pharmacy
Attn: Alexandra Blasi, Executive Secretary
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Staff Person