

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Walter Windel)
)
Registration No. 1-13072)

Case No. 19-359B

SUMMARY ORDER

NOW, on this 19th day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Walter Windel, ("Respondent").

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has previously issued Respondent License No. 1-13072 which entitles Respondent to practice as a pharmacist in the State of Kansas ("Respondent's License").
2. At all times relevant hereto, Respondent worked as a pharmacist at Healthcore Community Pharmacy located at 2707 East 21st Street in Wichita, Kansas ("the Pharmacy").
3. On June 11, 2019, the Board received a C-100 Complaint Form from an individual ("APRN") alleging her patient ("Patient VW") had been dispensed the wrong prescription at the Pharmacy. The complaint was then forwarded to the Board's inspector for investigation.

4. On June 20, 2019, the Board inspector went to the Pharmacy to investigate the complaint, and reported the following findings:

- a. APRN prescribed a refill of oxycodone 10mg tablets for Patient VW.
- b. Respondent incorrectly processed what APRN had prescribed, filling instead with OxyContin ER 10mg tablets.
- c. Patient VW received the erred fill, and soon after asked APRN why her medication had changed.
- d. APRN then notified the Pharmacy of the error, and again sent the prescription through for the correct medication of Oxycodone 10 mg tablets, which Respondent then correctly filled for Patient VW.
- e. APRN stated concern regarding the potential harm that could have been caused to her Patient VW, who already takes a separate extended release tablet.
- f. It was not made clear to the inspector whether or not Patient VW had ingested any of Respondent's originally incorrect fill.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any licensee for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. Pursuant to K.S.A. 65-1637(g), all prescriptions shall be filled in strict conformity with any direction of the prescriber.

3. Respondent's dispensing of Oxycontin extended release tablets instead of the prescribed Oxycodone tablets constitutes a violation of K.S.A. 65-1637(g), because Respondent failed to fill the prescription in strict conformity with the directions of the prescriber.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to complete 2 hours of continuing education on preventing medication errors, which shall be ACPE certified, will not count towards renewal of Respondent's license, and proof of which shall be due to the Board within 60 days of this order becoming final.

NOTICES

Applicant is hereby notified as follows:

1. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.


11/19/19
Date

Alexandra Blasi
Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19th day of November 2019, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

WALTER WINDEL, JR.
2512 N LONDON ST
WICHITA, KS 67205



Kansas Board of Pharmacy Staff