

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Christopher Wuenstel
License No. 1-13939

Case No. 15-051

FINAL ORDER

Statement of Case

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) for review of the pharmacist license of Christopher Wuenstel ("Respondent") and the petition to take action regarding Respondent's licensure.

The hearing in this matter was convened on November 3, 2016. Appearing for the Board were: President, John Worden, PharmD; Vice President, Robert Haneke, PharmD; and members, James Garrelts, PharmD; Michael Lonergan, R.Ph; David Schoech, R.Ph.; Chad Ullom, R.Ph.; and Cheri Pugh, Public Member.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Applicant appeared in person without counsel.

Findings of Fact

1. On March 2, 2015, while working as a pharmacist at Stephens County Retail Pharmacy in Hugoton, Kansas, Respondent dispensed azithromycin to patient rather than the amoxicillin that had been prescribed by the patient's physician. Respondent did not disclose or record the dispensing error.
2. On June 10, 2015, Respondent was advised in writing by the Board's Executive Director to enter into and be evaluated by the Kansas Pharmacist Association

KsPRN Peer Assistance Program. ("KsPRN Program").

3. Respondent entered into a contract with the KsPRN Program. The KsPRN contract required Respondent, among other things, to randomly submit urine samples to be screened for the presence of drugs and alcohol.
4. On August 14, 2015, Respondent entered a Consent Agreement with the Board as a result of committing one or more dispensing errors while working as a pharmacist and being arrested for driving under the influence of drugs or alcohol on three separate occasions. The Consent Agreement required Respondent to cease the practice of pharmacy in the state of Kansas.
5. On January 8, 2016, the Director of the KsPRN Program advised the Board that Respondent was out of compliance with the requirements of his KsPRN contract by failing to submit urine samples for screening of the presence of drugs and alcohol, and failing to otherwise comply with the requirements of the random screening program.
6. On May 13, 2016, the Board's counsel filed a petition to revoke, suspend, or otherwise limit Respondent's licensure based on the aforementioned facts.
7. On July 19th, the Board notified Respondent to appear at an Administrative hearing on November 3, 2016. Respondent provided testimony that he was seeking employment to repay his debt to the KsPRN program, that he was actively engaged in substance abuse treatment and would agree to reenter the KsPRN program and continue his efforts to regain the ability to practice as a pharmacist in the state of Kansas. Respondent also admitted and agreed to the facts as stated in the petition and expressed regret and remorse to the Board.

Applicable Law
and
Discussion

1. Pursuant to K.S.A. 65-1627(a)(3), the Board may take disciplinary action against a pharmacist's license if the licensee is found by the Board to be guilty of unprofessional conduct or professional incompetency.
2. That pursuant to K.S.A. 65-1627(a)(4), the Board may take disciplinary action against a pharmacist's license if 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.
3. That pursuant to K.S.A. 65-1627(a)(6), the Board may take disciplinary action against a pharmacist's license if the licensee is found by the Board to have filled a prescription not in strict accordance with the directions of the practitioner.
4. That pursuant to K.S.A. 65-1627(a)(8), the Board may take disciplinary action against a pharmacist's license if 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.
5. That Respondent's failure to properly report and record a mislabeled prescription on multiple occasions was in violation of K.S.A. 65-1627(a)(6).
6. That Respondent's multiple incidents involving substance abuse and intoxicated driving were unprofessional conduct and demonstrative of professional incompetency pursuant to K.S.A. 65-1627(a)(3) and (a)(4).
7. The Board found the testimony of Respondent to be honest concerning past substance abuse issues, expressing regret and a commitment to recovery, as well

as the intent to settle debts with KsPRN and return to the program when gainfully employed.

Order

1. Based on the foregoing, the Board unanimously agrees that suspension of Respondent's pharmacist license is warranted for a period of five years.
2. In addition, the Board orders the Respondent to do the following to be considered for active licensure:
 - a. Respondent must settle all outstanding debts with KsPRN.
 - b. Respondent must then re-enter the KsPRN program for a period of five years.
 - c. After one complete year of clean drug tests and full compliance with the KsPRN program, Respondent may petition the Board to lift the suspension from his Kansas license.

IT IS SO ORDERED.

2/21/17

Date



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

NOTICES

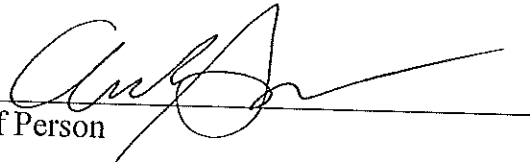
1. This is a Final Order, and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of February, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Order, properly addressed to the following:

Christopher Wuenstel
3302 SE Ohio
Topeka, KS 66605


Staff Person