

BEFORE THE STATE BOARD OF PHARMACY  
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY  
of the State of Kansas,  
Plaintiff,

vs.

GERALD URBAN,  
License No. 11248,

Defendant.

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas this 25 day of June, 1990.

The State Board of Pharmacy appears by Barbara Renick, President; Karla Kneebone, Vice-President; Kathleen Mahanna, Pharmacist; Hoyt Kerr, Pharmacist; Dana Creitz, Pharmacist; and Laurence Hendricks, Consumer Representative. Also appearing are Tom Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. The Defendant Gerald Urban appears in person.

Defendant states that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure Act, wherein Counsel for the Board advised Defendant of his rights to a formal hearing wherein he had a right to be represented by counsel, call witnesses on his behalf, cross examine plaintiffs witnesses and other procedural rights. Counsel further advised

Defendant of the statutory sections of the law which were allegedly violated and the statute giving the Board jurisdiction in the matter. Whereupon Defendant waived his right to formal hearing.

Defendant further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. That Defendant, Gerald Urban, is a duly licensed pharmacist, having License No. 11248.

2. That Defendant is employed as a pharmacist at Treasury Drug Center #7884, Registration No. 6010, located at 7726 State Avenue, Kansas City, Kansas 66112.

3. That on or about November 3, 1988, Defendant filled or refilled a prescription for Carl Otten with Chlorpromazine 50 mg. when Chlorpropamide 250 was ordered by the prescribing physician, a violation of K.S.A. 65-1637(a).

4. That the prescription or its refill order was by oral telephonic communication to the Defendant and the name of the person communicating said prescription was not written down on the prescription, a violation of K.S.A. 65-1637(b).

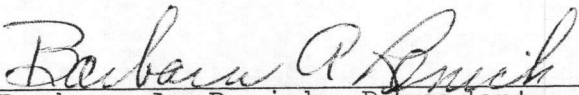
5. That the patient or his relative confronted someone in the pharmacy concerning the change of the appearance of the tablet from the original prescription. The patient was told this was usual without further investigation. It is obvious said person telling the patient this, did not consult the

patient's profile nor did the Defendant, or the error may have been discovered. The prescription filled erroneously with chlorpromazine 50 mg. was filled as an original prescription and obviously no counseling was given or the error may have been discovered. Failure to check patient's profile or counsel patient upon filling a new prescription are violations of K.S.A. 65-1642 (c)(2) and K.A.R. 68-2-20(d).

6. That the Defendant has failed to comply with the statutory and regulatory requirements imposed by the State upon pharmacists licensed by the State.

7. That the State Board of Pharmacy of the State of Kansas pursuant to K.S.A. 65-1627(8) has jurisdiction and power to revoke, suspend or place on probation said Gerald Urban.

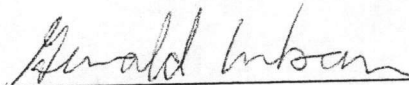
IT IS THEREFORE ORDERED that Gerald Urban, License No 11248, be: required to take and pass with 75% the closed book pharmacy law exam in the Board of Pharmacy office, Topeka, KS, within thirty (30) days from this date.

  
Barbara A. Renick, President  
Kansas State Board of Pharmacy

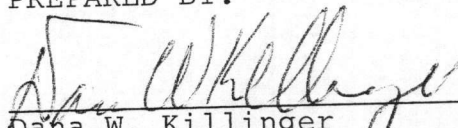
Dated this 25 day of June, 1990.

I, Gerald Urban, have hereby read the foregoing Stipulations

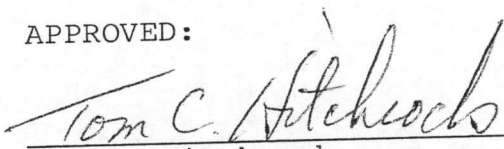
and Order and fully understand the violations to which I am stipulating to and understand the terms of the Stipulation.

  
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Gerald Urban  
License No. 11248

PREPARED BY:

  
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Dana W. Killinger  
Attorney for the Kansas  
State Board of Pharmacy

APPROVED:

  
\_\_\_\_\_  
Tom C. Hitchcock  
Executive Secretary for  
the Kansas State Board of  
Pharmacy