

**BEFORE THE KANSAS STATE BOARD OF PHARMACY**

In the Matter of	)	Case No.	11-41
Oluchi Ohanaka, R.Ph.,	)	OAH No.	12BP0007
Kansas License No. 1-13342.	)		

**CONSENT AGREEMENT**

This Consent Agreement is voluntarily entered into by Defendant Oluchi Ohanaka (“Defendant”), and the Kansas State Board of Pharmacy (“Board”), in lieu of further litigation based on the Petition filed in the above-captioned matter.

WAIVER OF RIGHTS: Defendant understands that she has the following rights in this case: The right to discovery, a hearing before the Board, and if found in violation of the Kansas Pharmacy Act, the right to appear before the District Court and Kansas appellate courts pursuant to the Kansas Judicial Review Act (the “KJRA”). Knowing these rights, Defendant, by signing this agreement, knowingly and voluntarily gives up these rights, including the right to a hearing by the Board.

Defendant hereby acknowledges her right to be represented by a lawyer of her own choosing. Defendant has been represented by Jerry D. Bogle of Young, Bogle, McCausland, Wells & Blanchard, P.A.

FACTS: Defendant stipulates to the following facts and statements of law:

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. § 65-1626, *et seq.*) (the “Pharmacy Act”) and with the enforcement of the rules and regulations promulgated thereunder.
2. The Board is authorized to “enter an order of revocation, suspension, probation or denial of the renewal of a license, registration or permit.” K.S.A. § 65-1627f.

3. Defendant is presently authorized to engage in the practice of pharmacy in the State of Kansas having been issued License No. 1-13342.

4. Defendant is a resident of 10118 Windemere Circle, Wichita, Kansas 67226.

5. Pursuant to laws and regulations pertaining to of pharmacies, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act (K.S.A. § 77-501, *et seq.*) (“KAPA”). K.S.A. § 65-1663(e)(4). Such proceedings may result in suspension, revocation, and other disciplinary actions affecting Defendant’s ability to conduct business as a registered pharmacy in the State of Kansas.

6. K.S.A. § 65-1627(e) provides:

The board may revoke, suspend, place in a probationary status or deny a renewal of any license of a pharmacy upon a finding that: . . . (1) Such pharmacy has been operated in such a manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith; . . .

7. K.S.A. § 65-1627(g) provides: “Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.”

8. K.S.A. 65-1627(a)(3) provides that: “(a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;. . .

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner;. . .

(8) 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.

9. K.S.A. 65-1626(ee) provides that:

(ee) “Professional incompetency” means:

. . . (2) Repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

10. Defendant has made acts or omissions by which the Board may find that she was guilty of unprofessional conduct or professional incompetency; had filled a prescription not in strict accordance with the directions of the practitioner; and was in violation of the pharmacy act of the State of Kansas.

TERMS AND CONDITIONS:

The Board and Defendant agree that Defendant's license to practice pharmacy in the State of Kansas shall be placed in probationary status for a period of two (2) years from the date of execution of this agreement, under the following terms and conditions:


1. Defendant shall notify the Board within ten (10) days of any changes to her name, address, phone number and/or employment location or status;

2. Defendant shall comply with the laws of the United States and the State of Kansas, including all state and federal pharmacy laws and regulation; and


3. Defendant shall participate in three (3) hours (.3 units) of Continuing Education specifically related to error prevention in addition to the thirty (30) required over the two-year licensing period. All Continuing Education must be reported to the Board during the probationary period.

CONSENT OF THE KANSAS STATE BOARD OF PHARMACY: This Consent Agreement is not binding upon the Board until it has been reviewed and agreed to by the Kansas State Board of Pharmacy at its next quarterly meeting, to be held March 8 and 9, 2012.

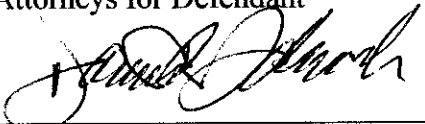
The parties below have read this Consent Agreement, know and understand its contents, and agree to comply with its terms. Defendant specifically agrees to waive the constitutional rights enumerated above.

  
\_\_\_\_\_  
Oluchi Ohanaka  
10118 Windemere Circle  
Wichita, KS 67226

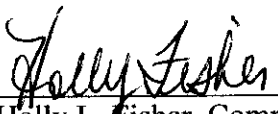
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Jerry D. Bogle  
Young, Bogle, McCausland, Wells & Blanchard, P.A.  
106 W. Douglas, Ste. 923  
Wichita, KS 67202  
Attorneys for Defendant

Date: 1/3/12

  
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David R. Schoech, R.Ph.  
Investigative Member  
Kansas State Board of Pharmacy  
800 SW Jackson St., Ste. 1414  
Topeka, KS 66612

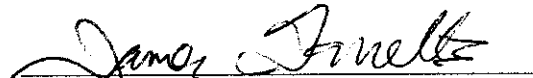
Date: 01-7-2012

  
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Holly L. Fisher, Compliance Counsel  
Kansas State Board of Pharmacy  
800 SW Jackson St., Ste 1414  
Topeka, KS 66612

Date: 1/5/12

**APPROVAL OF THE BOARD OF PHARMACY**


This Consent Agreement has been reviewed by the Kansas State Board of Pharmacy and is agreed to as of the date stated below.

  
James Garrelts, Pharm.D., President  
Kansas State Board of Pharmacy  
800 SW Jackson St., Ste. 1414  
Topeka, KS 66612

Date: 3/8/12

**CERIFICATE OF SERVICE**

I hereby certify that I did, on the 12 day of March, 2012, deposit in the United States Mail, postage prepaid, a fully executed copy of the foregoing Consent Agreement, properly addressed to the following:

  
Compliance Counsel