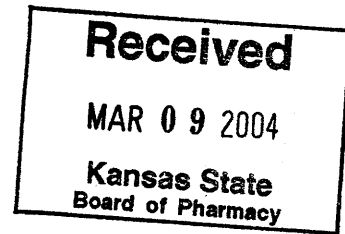


BEFORE THE STATE BOARD OF PHARMACY
900 SW JACKSON, STE.560
TOPEKA, KANSAS 66612-1231
(785) 296-4056



IN THE MATTER)
)
 OF)
)
 COREY V. PENNER)
 LICENSE NO. 1-12658)
 _____)

CASE NO. 02-03

ORDER MODIFYING FINAL AGENCY ACTION

Now, on this 9th day of March 2004 this matter comes before the Kansas Board of Pharmacy on a motion of the Respondent, Corey V. Penner, to modify the Final Agency Action entered December 30, 2002.

The Respondent was not represented by counsel and appeared in person on his own behalf. After being fully and duly advised in the premises the Board of Pharmacy enters the following Findings of Fact and Conclusions of Law:

1. The Board entered a Final Order on December 30, 2002 whereby the Board provided that the Respondent was not to work as a pharmacist other than in the presence of another person age 18 or older, except in unusual circumstances beyond Respondent's control, which situation was to be reported to the Board and Respondent's Pharmacist-In-Charge as soon as possible.
2. The Respondent requested that the Order be modified to amend the above stated restriction such that the Respondent be permitted to work alone on two

Saturdays a month or holidays, up to four hours per shift, so long as performing no outpatient dispensing and no meeting or care for outpatients.

3. The Board considered letters of support from Respondent's Pharmacist-In-Charge, a Licensed Specialist Clinical Social Worker and testimony from Mary Carder of HAPN.
4. Pursuant to K.S.A. 77-512 the Board of Pharmacy has the authority to modify an Order so long as notice is given to the Respondent and an opportunity for hearing is provided.

WHEREFORE, based on the above provided Findings of Fact and Conclusions of Law the Board grants the Respondent's Motion to Modify the Final Order issued on December 30, 2002 subject to the following conditions:

1. The Respondent shall be permitted to work alone at the Prairie View Hospital in Newton Kansas, but only on two Saturdays and holidays in a month for up to four hour shifts, so long as he performs no outpatient dispensing and shall not meet with or care for outpatients.
2. All previous Orders of the Board found in the Final Order of December 2002 shall remain in full force and effect.

IT IS SO ORDERED, this 9th day of March 2004.

KANSAS BOARD OF PHARMACY

Michael Hurst, R.Ph.
President

CERTIFICATE OF MAILING

I do hereby certify that a true and correct copy of the above and foregoing ORDER MODIFYING FINAL AGENCY ACTION was mailed on the 16 day of March and sent by U.S. mail, postage prepaid to

the following persons:

Corey Penner
633 Westchester Lane
Newton, KS 67114

Debra L. Billingsley
Executive Director

