

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
AUG 3 2015
KANSAS STATE
BOARD OF PHARMACY

In the Matter of

WILLIAM L. POLLARD
Kansas License No. 1-12224

Case No. 09-58
OAH No. 15BP0026

EMERGENCY ORDER OF SUSPENSION

William L. Pollard holds a license to practice pharmacy in the state of Kansas.

On July 17, 2015, a show cause hearing was held before the Kansas Board of Pharmacy regarding Mr. Pollard's lack of compliance with the Final Agency Order filed on April 23, 2010.

Appearing for the Board were: Vice President, Chad Ullom, R.Ph.; and members, James Garrelts, PharmD; Michael Lonergan, R.Ph.; David Schoech, R.Ph.; John Worden, PharmD; and Cheri Pugh. Randall J. Forbes appeared as the Board's disciplinary counsel. Mr. Pollard did not appear notwithstanding notice was sent to him and was not returned as undeliverable.

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 enters the following emergency order of suspension, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), based on the following findings of fact and conclusions of law.

Findings of Fact

1. On April 23, 2010, a Final Agency Order (2010 Order) was issued suspending Mr. Pollard's license based on the revocation of his license to practice pharmacy in Missouri and his admission to self-administering a controlled substance without a practitioner's order.
2. The 2010 Order required, among other things, that Mr. Pollard enter into an agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice (CIPP) and fully cooperate with the recommendations of the persons managing or implementing the CIPP Program and the recommendations and requirements of the persons managing or implementing the evaluation.
3. Mr. Pollard had previously signed a Statement of Understanding with CIPP on March 10, 2010, in which he agreed to "[n]ot use any mood altering drugs of addiction, including alcohol..."
4. Mr. Pollard had a period in which he was in compliance with the CIPP agreement and thus in compliance with the 2010 Order.
5. By Agency Order dated July 25, 2014 (2014 Order), the 2010 Order was modified to remove the suspension of Mr. Pollard's license. Mr. Pollard was placed on probation. The 2014 Order required that all other aspects of the 2010 Order, including but not limited to the requirement that Mr. Pollard remain in full compliance with his CIPP agreement, remain unchanged.
6. On January 20, 2015, Debra Billingsley, Executive Director of the Board, received a letter from Vicki Whitaker, CIPP Administrator, advising that

Mr. Pollard had relapsed by testing positive for alcohol consumption on December 19, 2014. This result was confirmed by a PEth test that was administered on January 2, 2015.

7. On February 4, 2015, Ms. Whitaker sent Mr. Pollard a letter advising him of the results of the PEth test. He was advised that as a result of the positive test he would have to be re-evaluated for substance abuse, would have to follow treatment recommendations, and would have to re-enroll in the CIPP/KsPRN Program for a minimum of five years. Ms. Whitaker enclosed several forms that needed to be signed and returned by Mr. Pollard. He failed to do so.
8. On June 8, 2015, Ms. Billingsley received a letter from Sara Rust-Martin, Director of Operations for the Kansas Pharmacist Association, advising that Mr. Pollard had received 10 positive drug screen results after January 1, 2015, and that after April 1, 2015, had failed to call in, as required, on 7 dates.
9. On June 15, 2015, notice was sent to Mr. Pollard by the Board advising that a show cause hearing regarding his compliance with the Final Agency Order (2010 Order) was scheduled for July 17, 2015. As stated above, Mr. Pollard did not appear.

Conclusions of Law
and
Discussion

1. The role of the Kansas Board of Pharmacy is to protect the citizens of Kansas.
2. Pursuant to K.S.A. 65-1627(c), the Board may temporarily suspend the license of a licensee in accordance with the emergency adjudicative proceeding under the

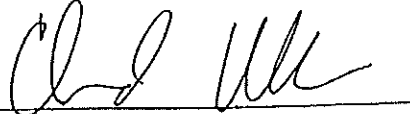
Kansas Administrative Procedure Act if the Board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

3. Additional statutory authority is found in K.S.A. 77-536(a) which provides that “[a] state agency may use emergency proceedings: (1) in a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action. . .”
4. The Board finds that Mr. Pollard has failed to abstain from the use of any mood altering drugs of addiction, including alcohol. Mr. Pollard has also failed to cooperate with the CIPP Program and thus, is in violation of the 2010 Order and the 2014 Order.
5. The Board is also troubled that Mr. Pollard did not appear at the show cause hearing.
6. The Board finds that there is an imminent danger to the public health and safety if Mr. Pollard is allowed to engage in the practice of pharmacy and that emergency action is warranted.

IT IS THEREFORE ORDERED, BY THE KANSAS BOARD OF PHARMACY, that Mr. Pollard's license to engage in the practice of pharmacy is suspended until further Order of the Board.

IT IS SO ORDERED.

Dated this 17 day of July, 2015.



Chad Ullom, R.Ph.
Vice President
Kansas Board of Pharmacy

NOTICE

This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court pursuant to K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days of the service of this order. 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 Debra L. Billingsley, Executive Secretary, Kansas Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, KS 66612-1244.

CERTIFICATE OF SERVICE

On August 3, 2015, I mailed a copy of this document
to:

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Mitzi Doolittle
Staff Person