

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of
Jody Reel,
Registration No. 1-15225

Case No. 17-187B

FINAL ORDER**Statement of Case**

This matter comes before the Kansas Board of Pharmacy (Board) on the Summary Order to require the respondent, Jody Reel, complete 15 hours of continuing education (CE) in new medications.

The hearing in this matter was held on June 14, 2018. Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Robert Haneke, PharmD; Cheri Pugh, Public Member, Chad Ullom, R.Ph., and Bill Walden, R.Ph.

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

Ms. Reel appeared *pro se*.

Findings of Fact

1. The Board previously issued Registration No. 1-15225 to Ms. Reel, which entitles her to practice as a pharmacist in the State of Kansas.
2. On August 31, 2107, the Board received a C-100 Complaint Form from a parent alleging that his son had been dispensed the incorrect drug at Kex Rx Pharmacy and had taken the drug for approximately ten (10) days, suffering adverse side-effects as a result.

3. An incident report from Kex Rx Pharmacy indicated that on August 2, 2017, a patient received generic Dexedrine (Dextroamphet 10mg ER) instead of the prescribed drug, generic Adderall (dextroamphetamine-amphetamine ER 10mg 24 hr capsule).
4. The father became concerned after about ten (10) days of taking the incorrect medication and noticing side-effects that had not been present with previous medication.
5. The patient's father contacted the prescribing physician, at which time it was discovered that the medication had been filled incorrectly.
6. The pharmacy became aware of the incident when contacted by the patient's father.
7. The Board's investigator interviewed Kex Rx Pharmacy's pharmacist -in-charge (PIC), Anita Mueller, who indicated that she had spoken to Ms. Reel and that Ms. Reel had attributed the error to only working part-time and not being familiar with the difference between the two drugs.
8. On January 19, 2018, the Board issued a Summary Order.
9. On February 5, 2018, the respondent sent a letter to the Board in which she timely requested a hearing.
10. In her letter Ms. Reel accepted "full responsibility for the error."
11. In the letter she also described the steps she had taken since the incident to prevent the error from reoccurring.

12. At the hearing Ms. Reel testified and attributed the event to both human and systemic error.
13. According to Ms. Reel, the incorrect drug was input into the system and dispensed, and she verified the wrong medication being dispensed.
14. Ms. Reel also indicated that she was familiar with the differences between the two drugs.
15. Ms. Reel testified that she accepted responsibility for the mistake and had already completed the additional CE but had hoped to avoid a public disciplinary order that might have lifelong consequences.

Applicable Law
and
Discussion

1. Pursuant to K.S.A. 65-1658, “The state board of pharmacy, in addition to any other penalty prescribed under the pharmacy act of the state of Kansas, may assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under subsections (a), (c), (d) and (e) of K.S.A. 65-1627, and amendments thereto, for violation of the pharmacy act of the state of Kansas or rules and regulations of the state board of pharmacy...”
2. K.S.A. 65-1637(g) provides that “[a]ll prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber...”

3. The Board finds that while there may have been systemic errors that contributed to this incident, the respondent did dispense the incorrect medication to the patient.
4. This constitutes a violation of K.S.A. 65-1637(g) because the respondent failed to fill the prescription in strict conformity with the directions of the prescribing physician.
5. The respondent requested that the Board consider a non-disciplinary resolution as an alternative to the issuance of the Summary Order which would become public record.
6. Specifically, the respondent suggested something similar to the non-disciplinary alternative set forth in K.S.A. 65-2838a, which relates to the Board of Healing Arts.
7. While the Board took the respondent's suggestions into consideration, there is no statutory or regulatory authority for the Board to impose a non-disciplinary resolution, at this time.
8. The undisputed evidence established that the respondent filled a prescription dispensing the incorrect medication in violation of K.S.A. 65-1637(g), resulting in the patient suffering adverse side-effects.

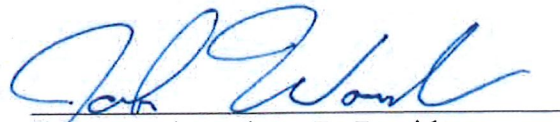
Order

Based on the foregoing, the Board upholds the Summary Order issued on January 19, 2018, and orders that the respondent complete 15 additional hours of continuing education in new medications. Respondent has already submitted proof of completion of such hours to the Board.

In addition, the costs of this proceeding are assessed against the respondent pursuant to K.S.A. 65-1627h. **The amount of costs is \$245.00. The costs are due within thirty (30) days of the date of the service of this order.**

IT IS SO ORDERED.

7-30-18
Date



John Worden, PharmD, President
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

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

On July 30, 2018, I mailed a copy of this document
to:

Jody Reel
308 Harrison Street
Sabetha, KS 66534

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

and hand-delivered to:

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

Sumner

Staff Person