

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of
Mary Richardson, R.Ph.

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)
)
Case No. 11-22

ORDER OF CONTINUANCE

The above-captioned matter came on for hearing before the Kansas Board of Pharmacy at its meeting on September 14, 2012. Doug Taylor appeared as the Board's Compliance Counsel. Mary Richardson, R.Ph. (the "Respondent") appeared in person and through her counsel, Jason Hoffman.

The Kansas license to practice pharmacy issued by the Board to Mary Richardson, R.Ph. was placed on suspended status by an Emergency Order issued by the Board's Investigation Member on July 9, 2012 (the "Emergency Order").

At the request of and with the agreement of the Respondent, this matter is continued to the Board's meeting beginning November 29, 2012. In the interim, with the agreement of the Respondent, the Emergency Order will remain in effect and the Respondent's Kansas license to practice pharmacy shall remain suspended.

IT IS SO ORDERED.

Dated: _____

09-22-2012



David R. Schoech, President
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

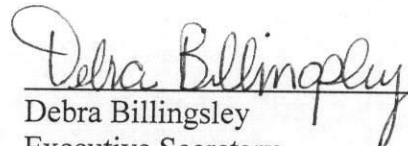
I hereby certify that I did, on the 25 day of September, 2012, deposit in the United States mail, postage prepaid, a copy of the foregoing ORDER OF CONTINUANCE, properly addressed to the following:

Mary Richardson, R.Ph.
10630 N. Grand Ave.
Kansas City, MO 64155

Randall J. Forbes
FRIEDEN, UNREIN & FORBES LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Jason P. Hoffman
HOFFMAN & HOFFMAN
CoreFirst Bank & Trust Building
100 E. 9th St., 3rd Floor East
Topeka, KS 66612

Doug M. Taylor
Kansas State Board of Pharmacy
800 SW Jackson St., Suite 1414
Topeka, KS 66612



Debra Billingsley
Executive Secretary
Kansas Board of Pharmacy

Filed

JUL 09 2012

KANSAS STATE
Board of Pharmacy

Received

JUL 09 2012

KANSAS STATE
Board of Pharmacy

Doug M. Taylor, KS Bar #23690
Kansas State Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612
(785) 296-4056 (tel.)
(785) 296-8420 (fax)
doug.taylor@pharmacy.ks.gov

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of

)

Case No. 11-22

Mary Richardson

)

License No. 1-09936.

)

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 2nd day of July, 2012, this matter comes before the Investigative Member of the Kansas State Board of Pharmacy on a Motion for Ex Parte Emergency Order of Suspension in the matter of Mary Richardson ("Respondent"). On June 28, 2012, the Compliance Counsel for the Board ("Petitioner") filed a Motion for Ex Parte Emergency Order of Suspension. Upon review of the Motion, the Investigative Member finds, concludes and orders the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent resides at 10630 N. Grand Avenue, Kansas City, Missouri 64155.
2. The Board has previously issued Respondent License No. 1-09936 which entitled her to function as a pharmacist in the State of Kansas.
3. Pursuant to K.S.A. 65-1627 and 77-536, the Investigative Member may issue an emergency order without notice and hearing, and may temporarily limit or suspend a registration if the Investigative Member finds an imminent danger to the public health, welfare, or safety.

4. The Investigative Member has received and reviewed a Motion for Ex Parte Emergency Order of Suspension filed with the Board on July 28, 2012. The motion requests an emergency suspension of Respondent's license.
5. The aforementioned motion alleges that Respondent is in violation of the Kansas Pharmacy Act:
 - a. On May 31, 2012, Respondent entered into a Consent Agreement with the Board which placed her license in probationary status for five years and required her to participate in the Committee on Impaired Pharmacy Practice ("CIPP") program for that same five-year period.
 - b. As a part of her participation in the CIPP program, Respondent was required to submit to a full panel random drug screen, along with any other requirements determined by the committee.
 - c. On June 12, 2012, Vicki Whitaker, the CIPP Program Administrator, reported to the Board that Respondent had failed to call in for two drug screen check-ins. Per CIPP guidelines, this resulted in a mandatory drug screening the following day, and during each screening, Respondent tested positive for Clonazepam.
 - d. By testing positive, Respondent has failed to comply with the directives of the CIPP Committee and thus is in noncompliance with the CIPP contract and the Consent Agreement entered into with the Board of Pharmacy.

- e. Respondent has also violated K.S.A. 65-1627(a)(3), further defined by K.S.A. 65-1626(rr), in that she has committed conduct likely to deceive, defraud or harm the public.
 - f. Respondent has also violated K.S.A. 65-1627(a)(4), in that she has shown to be addicted to a liquor or drug habit to such a degree as to render the Respondent unfit to practice the profession of pharmacy.
6. The aforementioned motion incorporates the Consent Agreement approved by the Board on May 31, 2012, and also Exhibit A, an affidavit from Vicki Whitaker, CIPP Program Administrator.
 7. Respondent resides at 10630 N. Grand Avenue, Kansas City, Missouri 64155.
 8. The Board has previously issued Respondent License No. 1-09936 which entitled her to function as a pharmacist in the State of Kansas.
 9. The Investigative Member finds that Respondent is an imminent danger to the public health, safety and welfare because she is in non-compliance with the terms of the May 31, 2012 Consent Agreement with the Board.

ORDER

IT IS THEREFORE ORDERED, that the pharmacist license of Mary Richardson is hereby immediately suspended.

IT IS FURTHER ORDERED, that Respondent shall immediately contact CIPP and follow their recommendations, which may include entering into a new evaluation and treatment program at Respondent's expense.

IT IS FURTHER ORDERED, that Respondent shall authorize CIPP, the Board and any provider of evaluation or treatment services to provide full and complete documentation and information regarding Respondent's involvement in the programs.

IT IS FURTHER ORDERED, that the Board counsel shall serve this Order in the manner provided by law, and shall complete and file a proof of service.

IT IS FURTHER ORDERED, that a protective order is granted to protect all confidential information under K.S.A. 65-1695.

NOTICE

1. A hearing on this matter will be scheduled as soon as practicable before the Board of Pharmacy. The issue to be determined shall be whether Respondent's suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.
2. 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 Board's Executive Director, at 800 SW Jackson, Ste. 1414, Topeka, KS 66612.

Dated this 2 day of July, 2012.

Kansas State Board of Pharmacy



David Schoech
Investigative Member

Prepared by:



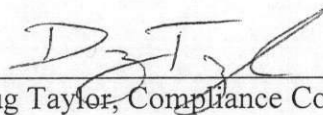
Doug Taylor, KS Bar #23690
Compliance Counsel
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 9 day of July, 2012, send via first class U.S. mail a copy of the foregoing Ex Parte Emergency Order of Suspension, properly addressed to the following:

Mary Richardson, R.Ph.
10630 N. Grand Ave.
Kansas City, MO 64155

Jason P. Hoffman
Hoffman & Hoffman
Attorneys at Law
CoreFirst Bank & Trust Building
100 E. 9th St., Third Floor East
Topeka, KS 66612



Doug Taylor, Compliance Counsel

Doug M. Taylor, KS Bar #23690
Kansas State Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612
(785) 296-4056 (tel.)
(785) 296-8420 (fax)
doug.taylor@pharmacy.ks.gov

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of }
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Mary Richardson, }
License No. 1-09936. }

Case No.: 11-22

CONSENT AGREEMENT

COMES NOW, the Kansas Board of Pharmacy (the "Board") and reviews the file on Mary Richardson, R.Ph. ("Respondent").

THEREUPON, being duly advised in the matter, the Board and Respondent agree as follows:

AGREEMENT PERMITTED UNDER THE KANSAS ADMINISTRATIVE PROCEDURE ACT: The Kansas Administrative Procedures Act specifically authorizes parties to resolve matters as expeditiously as possible without the need for evidentiary hearings or more formal proceedings under the Act. K.S.A. 77-505. It is the intent of both parties to avoid the proceedings to formally limit, suspend, or revoke Respondent's privilege to function as a pharmacist in the State of Kansas. Therefore, Respondent voluntarily agrees to:

WAIVER OF RIGHTS: Respondent 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, Respondent, by signing this agreement, knowingly and voluntarily suspends these rights at this time, including the right to a hearing by the Board.

Respondent hereby acknowledges her right to be represented by a lawyer of her own choosing. Respondent has been represented by Jason P. Hoffman, attorney at law.

FACTS: Respondent neither admits nor denies the facts as presented in the Petition filed in the above-stated matter, and the Board and Respondent agree to enter into this Consent Agreement in order to minimize the economic and legal impacts of litigating the matter at a hearing in front of the Board or otherwise.

TERMS AND CONDITIONS:

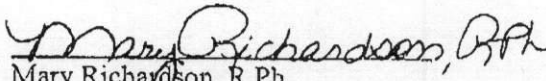
1. The Board will temporarily withhold initiating any emergency proceeding and order suspending or otherwise limiting the Respondent's Kansas license to practice pharmacy in the State of Kansas based upon the Respondent's agreement to do the following:

- a. The Respondent will immediately cease practicing pharmacy in Kansas and shall not again resume the practice of pharmacy in Kansas without a subsequent written agreement of the Board;
- b. The Respondent shall immediately enter into an evaluation and treatment program, totally at the Respondent's expense, as directed and approved by the Kansas Committee on Impaired Pharmacy Practice Program, and shall continue to fully cooperate with the recommendations and requirements of the persons managing or implementing the Kansas Committee on Impaired Pharmacy Practice Program and further requirements of the Board; and

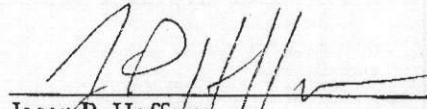
- c. The Respondent shall authorize the Kansas Committee on Impaired Pharmacy Practice, the Board and any provider of an evaluation and treatment program in which she engages to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment including, but not limited to, all records and medical reports.
2. This agreement shall not constitute an admission by the Respondent that she has violated the Kansas Pharmacy Act.
3. Should the Board determine, in good faith but in its sole and exclusive discretion, that the Respondent has failed to comply with the provisions hereof, this agreement shall cease and shall not thereafter prevent, in any respect, the Board from initiating an emergency proceeding to suspend or otherwise limit the Respondent's Kansas license to practice pharmacy.
4. This agreement shall not prevent, in any manner, the Board from initiating a non-emergency proceeding to revoke, suspend or otherwise limit the Respondent's Kansas license to practice pharmacy.

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 8th and 9th, 2012.

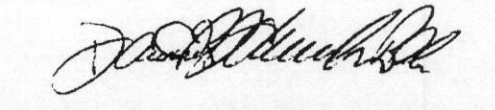
The parties below have read this Consent Agreement, know and understand its contents, and agree to comply with its terms. Respondent specifically agrees to waive the constitutional rights enumerated above.


 Mary Richardson, R.Ph.
 10630 N. Grand Ave.
 Kansas City, MO 64155


Date: 2/3/12


 Jason P. Hoffman
 Hoffman & Hoffman
 Attorneys at Law
 CoreFirst Bank & Trust Building
 100 E. 9th St., Third Floor East
 Topeka, KS 66612

Date: 2/6/12

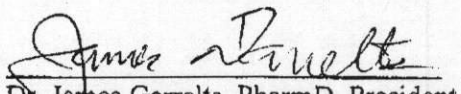

 David R. Schoech, R.Ph.
 Investigative Member
 Kansas State Board of Pharmacy
 800 SW Jackson St., Ste. 1414
 Topeka, KS 66612

Date: 2/20/2012


 Doug M. Taylor, Compliance Counsel
 Kansas State Board of Pharmacy
 800 SW Jackson St., Ste 1414
 Topeka, KS 66612

Date: 2/22/12

CONSENT OF THE KANSAS STATE BOARD OF PHARMACY: The Kansas State Board of Pharmacy has reviewed the above Consent Agreement and is in agreement with the terms and conditions herein.


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

Date: 6/1/2012

Doug M. Taylor, KS Bar #23690
Kansas State Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612
(785) 296-4056 (tel.)
(785) 296-8420 (fax)
doug.taylor@pharmacy.ks.gov

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of }
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Mary Richardson, }
License No. 1-09936. }

Case No.: 11-22

CONSENT AGREEMENT

COMES NOW, the Kansas Board of Pharmacy (the "Board") and reviews the file on Mary Richardson, R.Ph. ("Respondent").

THEREUPON, being duly advised in the matter, the Board and Respondent agree as follows:

AUTHORIZATION

The Kansas Administrative Procedures Act specifically authorizes parties to resolve matters as expeditiously as possible without the need for evidentiary hearings or more formal proceedings under the Act. K.S.A. 77-505. It is the intent of both parties to avoid the proceedings to formally limit, suspend, or revoke Respondent's privilege to function as a pharmacist in the State of Kansas. Therefore, Respondent voluntarily agrees to the following:

WAIVER OF RIGHTS

Respondent 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, Respondent, by signing this

agreement, knowingly and voluntarily suspends these rights at this time, including the right to a hearing by the Board.

Respondent hereby acknowledges her right to be represented by a lawyer of her own choosing. Respondent has chosen to be represented by Jason P. Hoffman, attorney at law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, *et seq.*) and with the enforcement of the rules and regulations promulgated thereunder, (K.A.R. 68-1-1a *et seq.*).
2. The Board has previously issued Respondent Registration No. 1-09936 which entitled her to function as a pharmacist in the State of Kansas ("Respondent's License").
3. Respondent resides at 10630 N. Grand Avenue, Kansas City, Missouri 64155.
4. During the times in question, Respondent was employed by Sun Fresh Pharmacy #156 ("Sun Fresh") in Kansas City, MO.
5. Respondent is subject to all laws and regulations pertaining to the practice of pharmacy administered by the Kansas Board.
6. Upon receiving complaints of shortages, Alan Carter, District Manager for Sun Fresh, instructed Respondent to perform a controlled substance audit.
7. Respondent performed the requested audit and reported shortages, which led to an investigation by the Missouri Board of Pharmacy.
8. The Missouri Board's investigation revealed shortages much greater than reported, especially for alprazolam 1mg.

9. On September 4, 2010, September 9, 2010, September 10, 2010, September 16, 2010, and November 13, 2010, Respondent was recorded on digital video camera removing and pocketing medications from stock bottles without a valid prescription.
10. On or about November 13, 2010, Respondent was also recorded on digital video camera removing medication from a stock bottle and ingesting it.
11. On November 30, 2010, Respondent was interviewed by Alan Carter and Mike Siebers, Director of Loss Prevention for Cosentino's Food Stores (the "Interview").
12. During the Interview, Respondent admitted to taking clonazepam 1mg and alprazolam 1mg.
13. Pursuant to K.S.A. 65-1627(a) the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist upon a finding that: "(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;" "(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;" and "(8) the licensee has violated any of the provision 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; . . ."
14. The acts committed by Respondent are a basis for discipline of Respondent's registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

TERMS AND CONDITIONS

Respondent's license to practice pharmacy in the State of Kansas shall be placed in probationary status for a period of five (5) years and under the following conditions:

1. Five years supervised probation beginning the date of this agreement with KPhA/CIPP serving as the Registrant's probation officer on behalf of the Board;

2. Participate in the KPhA/CIPP program for five years by contacting the KPhA/CIPP Administrator within thirty (30) days from the date this Consent Agreement is executed. Pursuant to the recommendations of Respondent's evaluation by Dr. Terrance Alley, M.D. of Cumberland Heights in Nashville, Tennessee, dated March 13, 2012, participation in this program shall include:

- a. Thirty (30) days of primary inpatient treatment; and
- b. Completion of an intensive outpatient program with a focus on chemical addiction;

3. Keep the Board informed of any changes to her name, address, telephone number, e-mail address employment status and location(s);

4. Comply with the laws of the United States and the State of Kansas, including all state and federal pharmacy laws and regulations;

5. Respondent also agrees to:

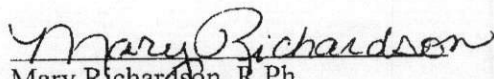
- a. Comply with random drug testing to be administered by the KPhA/CIPP program;
- b. Refrain from acting or taking a position that would require her to be a Pharmacist-in-Charge;
- c. Have another licensee or registrant in the pharmacy at all times the Respondent is working (the term "licensee" and/or "registrant" includes pharmacists, pharmacy interns and/or pharmacy technicians licensed and/or registered by the Kansas Board of Pharmacy); and

6. Respondent's probation with the Board is not self-executing. Respondent agrees to apply to the Board to be released from probation and obtain Board approval before the probation is lifted.

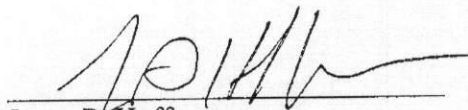
CONSENT OF THE KANSAS STATE BOARD OF PHARMACY

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 May 31 and June 1, 2012.


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


Mary Richardson, R.Ph.
10630 N. Grand Ave.
Kansas City, MO 64155

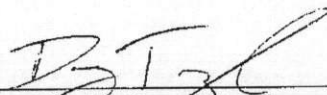
Date: 3/30/2012


Jason P. Hoffman
Hoffman & Hoffman
Attorneys at Law
CoreFirst Bank & Trust Building
100 E. 9th St., Third Floor East
Topeka, KS 66612

Date: 4/3/12


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

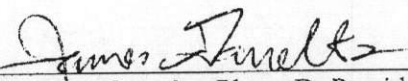
Date: 5/20/2012


Doug M. Taylor, Compliance Counsel
Kansas State Board of Pharmacy
800 SW Jackson St., Ste 1414
Topeka, KS 66612

Date: 5/14/12

APPROVAL OF THE KANSAS STATE BOARD OF PHARMACY

The Kansas State Board of Pharmacy has reviewed the above Consent Agreement and is in agreement with the terms and conditions herein.


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

Date: 6/1/2012