

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter of)
ROBERT R. COURTNEY,)
Registered Pharmacist #1-11030) CASE NO. 01-55
Respondent)
_____)

CONSENT AGREEMENT AND ORDER

Now on _____, 2002, the above-captioned matter comes before the Kansas Board of Pharmacy (Board) by agreement of Robert R. Courtney (Respondent) and the Kansas Board of Pharmacy for the purpose of resolving the above-captioned matter.

Respondent hereby acknowledges the following:

1. Robert R. Courtney is currently, and at all times relevant, has been, licensed as a Pharmacist pursuant to 65-1627, et seq. with license #1-11030.
2. Respondent's address last known address is 6008 N. Mattox, Kansas City, Missouri 64151.
3. The Board received information concerning Respondent's conduct that Respondent has violated the Pharmacy Act of the State of Kansas pursuant to 65-1625, et seq.
5. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations.
6. As a result of the investigation, the Board finds reasonable cause to believe,

and Respondent hereby expressly, and without reservation, admits that evidence of a clear and convincing nature exists that would prove that Respondent has violated the Pharmacy Act of the State of Kansas pursuant to 65-1625, et seq., and specifically:

a. K.S.A. 65-1627(a)(2), "The licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust": to-wit licensee has pled guilty to and been convicted of eight counts of Tampering with Consumer Products 18 U.S.C. § § 1365(a) and 1365(a)(3), class C felonies; six counts of Adulteration of a Drug, 21 U.S.C. § § 331(k) and 333(a)(2) class D felonies; six counts of Misbranding of a Drug, 21 U.S.A. § § 331(k) and 333(a)(2), class E felonies.

b. K.S.A. 65-1627(a)(3), unprofessional conduct - defined by: K.S.A. 65-1626(hh)(2) "intentional adulteration or mislabeling of any drug, medicine, chemical or poison,"

c. K.S.A. 65-1626(hh)(3), "causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled,"

d. K.S.A. 65-1626(hh)(7), "conduct likely to deceive, defraud or harm the public,

e. K.S.A. 65-1627(a)(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",

f. K.S.A. 65-1627(a)(6), "the licensee is found by the board to have filled a

prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner”.

HOWEVER, Respondent and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violations.

WHEREFORE, Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to the facts set forth herein.

WHEREFORE Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to the facts set forth herein.

WHEREFORE Respondent agrees that the Board has jurisdiction in this matter and Respondent voluntarily submits to said jurisdiction.

WHEREFORE Respondent consents and agrees to the following:

A. Voluntary Surrender and Resulting Revocation of Kansas license

#1-11030. Respondent hereby voluntarily surrenders his Kansas license #1-11030 to the Kansas Board of Pharmacy, with said surrender effective the date of this Order. Respondent agrees to forthwith return to the Board any and all licenses and certificates issued by the Board. Respondent expressly acknowledges, understands and agrees that upon the Board’s acceptance of this Consent Agreement and surrendered license, the Board will order said license forthwith revoked and this Consent Agreement shall serve as a Final Agency Order of revocation in this matter. Respondent further expressly acknowledges, understands and agrees that good cause exists for the

making and entering of said Final Order of revocation.

B. Prohibition on Application for Licensure. Respondent acknowledges, accepts and agrees that he will never apply to the Board for licensure. In the event Respondent should apply for licensure, the Board will deny it with a summary order and Respondent is deemed to have waived any right to a hearing on the matter.

C. Acknowledgments and Affirmations. Respondent acknowledges that he has read the Consent Agreement and Order in its entirety and affirms that he enters into it voluntarily, after the opportunity to consult with counsel of his choice and with full understanding of its legal consequences. Respondent executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding, specifically the pending administrative petition on file with the Board in case number 01-100. Respondent acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Respondent waives any right he may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

E. Reporting to Other Jurisdictions. Respondent acknowledges that notification of the Consent Agreement and Order, and the order of revocation, shall be provided to registries and another state licensing board or boards if Respondent is also licensed, registered or certified in another state or states, and the Board shall disclose

the Consent Agreement and Order to other licensing boards or others upon request.

F. Consent Agreement and Order Constitutes Entire Agreement.

Respondent acknowledges that the Consent Agreement and Order constitutes the entire agreement between Respondent and the Board, and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board, except as otherwise provided in the Consent Agreement and Order.

WHEREFORE Respondent consents to the submission of the Consent Agreement and Order to the Kansas Board of Pharmacy and understands that upon approval of the Board, the Consent Agreement and Order becomes a Final Order of the Board.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Board of Pharmacy which becomes effective on the date indicated in the below Certificate of Service.

Upon the signing of this Order, the Board accepts the Respondent's surrender of his license #1-11030 and said license is hereby revoked.

IT IS SO ORDERED.

Date

Vicki Schmidt
President, Kansas Board of Pharmacy

APPROVED AND CONSENTED TO:

Robert A. Courtney

(date)

APPROVED AS TO FORM AND SUBSTANCE:

Jean Paul Bradshaw II
Attorney for Respondent
Robert A. Courtney

(date)

CERTIFICATE OF SERVICE

This to certify that on the _____ day of _____, 2002, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Steve Phillips
Assistant Attorney General
120 S.W. 10th Street, Second Floor
Topeka, Kansas 66612-1597

Susan Linn, Executive Director
Kansas Board of Pharmacy