

BEFORE THE  
KANSAS STATE BOARD OF PHARMACY  
Landon State Office Building, Room 513  
Topeka, KS 66612  
785/296-4056

In the Matter of )  
)  
LAURA ROTHFUSS, )  
Registered Pharmacist, ) Case No.  
#1-12156, )  
)  
Respondent. )

**CONSENT AGREEMENT AND ORDER**

Now on this 18th day of November, 1999, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Laura Rothfuss (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Laura Rothfuss is a licensed pharmacist within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625, et seq., and amendments thereto.
2. The Board received a report of information concerning Licensee's conduct alleging Licensee may have violated statutes and regulations governing the practice of pharmacy, to-wit:
  - (a) On May 26, 1999, Ms. Rothfuss allegedly misfilled Luvox 50 mg in a container labeled Zyprexa 10 mg.
  - (b) According to employer records, the May 26, 1999 misfill was the third alleged error by the licensee since January 1, 1999.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Licensee may have violated K.S.A. 65-1637(a).

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

6. WHEREFORE, Licensee and the Board acknowledge and agree that this Consent Agreement and Order is not to be construed as an admission of fault, liability, or any error on the part of Licensee with respect to any claim asserted by any person, corporation, or entity, including the Board, against Licensee and that such is the intention of Licensee, such allegations being expressly denied, nor will the terms of this Consent Agreement and Order have any bearing or application on any report, claim, incident or investigation relating to any other pharmacist employed by Wal-Mart Stores, Inc.

WHEREFORE, Licensee 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 this matter.

WHEREFORE, Licensee 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 this matter.

WHEREFORE, Licensee consents to:

(a) Attending 18 hours of "coaching training" where the licensee will go to another pharmacy to watch and learn from other pharmacists.

(b) Transfer to another pharmacy where the volume of work is less than the Wal-Mart pharmacy in Topeka, Kansas where she previously was employed.

(c) Supervision by another pharmacist for 45 work days by another pharmacist at the pharmacy to which she is transferred.

(d) This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by the parties.

(e) Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Licensee is also licensed, registered or certified in another jurisdiction.

(f) This Consent Agreement and Order is reportable to state and federal licensing agencies and applicable professional associations.

(g) Evidence of Licensee's willful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact willfully failed to comply with any conditions. Upon determination at such hearing that Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees that her license may be revoked.

(h) Licensee acknowledges an affirmative duty to notify the Board within twenty-five (25) days of any changes in personal or professional status which would inhibit compliance with conditions. In such event, a designee of the

Board is authorized to modify or amend this Consent Agreement and Order in writing.

(i) Licensee agrees to notify the Board of any incorrect drug, improper dosage, or incorrect instructions incident(s) involving the Licensee which give rise to an incident report being written by the pharmacist in charge of the pharmacy in which the Licensee works if any such incident occurs within 180 days of the date of this Consent Agreement and Order.

(j) The licensee/representative of the registrant shall appear in person before the Kansas State Board of Pharmacy to respond to any questions or comments that may be posted by the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

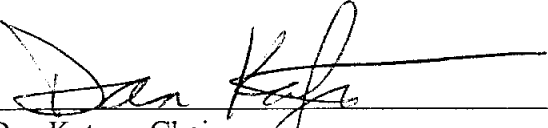
WHEREFORE, Licensee agrees that all information in the possession of the Board or its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Order and the Final Order provided for herein, with or without the presence of the Licensee or the Licensee's attorney. In the event that this Consent Agreement and Order provided for herein is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Consent Agreement and Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to

seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.


WHEREFORE, the Board agrees that so long as Licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-1625, et seq. regarding this matter, or any other matter which occurred or allegedly occurred prior to May 1, 1999.

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

IT IS SO ORDERED.

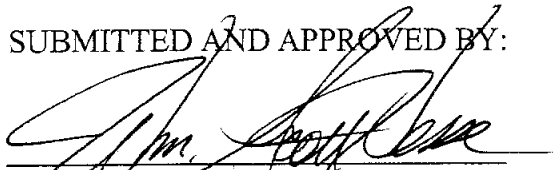
  
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Dan Katzer, Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

  
\_\_\_\_\_  
Licensee

11-18-99  
\_\_\_\_\_  
Date

SUBMITTED AND APPROVED BY:



WM. SCOTT HESSE  
Assistant Attorney General  
2<sup>nd</sup> floor, Judicial Center  
Topeka, KS 66612  
785/296-2215

Date

11/18/99

William E. Hanna by Jan D. My

WILLIAM E. HANNA  
MORRISON & HECKER L.L.P.  
2600 Grand  
Kansas City, MO 64108  
816/691-2600

11-18-99

**CERTIFICATE OF SERVICE**

This is to certify that on the 29<sup>th</sup> day of November, 1999, 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:

Wm. Scott Hesse  
Assistant Attorney General  
2<sup>nd</sup> floor, Judicial Center  
Topeka, KS 66612

Laura Rothfuss  
~~Wal-Mart Pharmacy~~  
1501 Wanamaker  
Topeka, KS 66604

William E. Hanna  
Morrison & Hecker L.L.P.  
2600 Grand  
Kansas City, MO 64108

  
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For the Kansas State Board of Pharmacy

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