

Steve Phillips, #14130
Assistant Attorney General
120 S.W. 10th Street, Second Floor
Topeka, Kansas 66612
785/296-2215

BEFORE THE KANSAS STATE BOARD OF PHARMACY

IN THE MATTER

OF

STEVEN D. RUSS

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Case No: 02-20

SUMMARY PROCEEDING ORDER SUSPENDING LICENSES

Pursuant to K.S.A. 47-830(m) and K.S.A. 77-537

Now on this _____ day of June 2002, the above-captioned matter comes before Max Heidrick, Investigative Board Member, to consider John Stephen Major's (Major) application for licensure as a pharmacist in Kansas. After considering the application, matters contained in the Board's files and other matters, the following Summary Proceeding Order is entered:

1. The Mike Hurst, Board Investigative Member, is duly authorized by the Board to enter Summary Proceeding Orders imposing discipline pursuant to K.S.A. 65-1627(a)(12) when a licensee has had disciplinary action in another state, territory, District of Columbia or other county.

2. Respondent's last know address is 1509 W. Walnut, Nevada, MO 64772.

3. Respondent is currently, and at all times relevant has been, licensed as a Pharmacist pursuant to K.S.A. 65-1627, et seq. with license #1-0768, originally issued on June 27, 1984, last

renewed on June 27, 2002, with an expiration date of June 30, 2004.

4. Respondent is currently, and at all times relevant has been, licensed as a Pharmacist in the State of Missouri, with Missouri license No. 41923.

5. In a Settlement Agreement signed by Respondent on June 15, 2002, Respondent admitted to, and was adjudicated to have, diverted controlled substances, as is more specifically set forth in the Settlement Agreement which is attached to this Summary Order as Exhibit A and incorporated by reference.

6. As a result of having been adjudicated to having diverted controlled substances, the Missouri Board of Pharmacy imposed disciplinary action against Respondent's Missouri license.

CONCLUSIONS OF LAW AND FACT

7. K.S.A. 65-1627(a)(12) provides:

The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: . . . (12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof . . .

8. In order to protect the public, discipline on Respondent's Kansas license must be imposed in a manner that corresponds to that imposed by Missouri.

ORDER

9. Respondent's license as a registered pharmacist is immediately suspended for a period of three years from July 11, 2002. Immediately following the period of suspension, the license shall

be placed on probation for a period of five years. The suspension and probation shall be on the following terms:

A. During the period of suspension, Respondent shall not engage in any activity or conduct in the state of Kansas for which a license as a pharmacist is required. Respondent shall not work as a pharmacy technician.

B. Licensee shall not be physically present in a pharmacy during suspension except as a bona fide customer. Licensee may, however, be employed at a facility that maintains a pharmacy, so long as that employment does not include the practice of pharmacy, work as a pharmacy technician, or require and/or permit Respondent's physical presence with within the registered pharmacy area of the facility.

C. Respondent shall not use the term "R.Ph.," "Pharmacist," or any other title or designation which would signify that Licensee can legally practice pharmacy, in either printed or verbal form, during the suspension period.

D. Licensee shall return all indicia of licensure, to the board office immediately. The licenses will be returned to Licensee at the end of the suspension period upon request.

E. During the period of probation, Licensee shall not serve as a pharmacist in charge or in a supervisory capacity at any Kansas pharmacy without prior approval of the Board.

F. Licensee shall not serve as a preceptor for interns in Kansas during the period of probation.

G. Licensee shall not be employed in Kansas in a setting where he has access to any controlled substances during the first two years of probation.

H. Licensee shall not work without another pharmacist present during the first six months of the last three years of probation.

I. During the last three years of probation, should Licensee work in a Kansas pharmacy, Licensee shall conduct an initial and perpetual inventory at his place of employment on all scheduled controlled substances. The initial inventory shall be immediately available to a member of the Board or the Board of Pharmacy staff. The perpetual inventory shall be reconciled with an audit of pharmacy inventory on a monthly basis. The perpetual inventory and proof of reconciliation shall, upon request, be immediately available to a member of the Board or the Board of Pharmacy staff.

J. Should licensee work in Kansas during the probationary period, licensee shall submit blood tests or urinalysis results to the Kansas Board, as required by item J on page 13 of the Missouri Settlement Agreement.

K. Licensee shall comply with item K on page 14-18 of the Missouri Settlement Agreement, and should licensee work in Kansas during the probationary period, shall cause all required documentation such as reports, evaluations, medical releases, etc., to also be served on the Kansas Board.

L. Licensee shall comply with item L on page 18-21 of the Missouri Settlement Agreement, and should licensee work in Kansas during the probationary period, shall cause all required documentation such as reports, evaluations, medical releases, etc., to also be served on the Kansas Board.

M. Licensee shall keep the Board apprised of his current home and work addresses and telephone numbers.

N. Licensee shall comply with all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Kansas and all other states and territories.

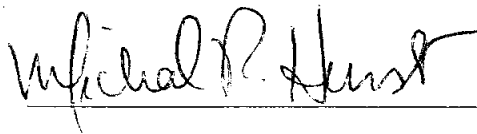
O. If licensee practices in Kansas during the probationary period, Licensee shall make himself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Licensee will be notified and given sufficient time to arrange these meetings.

P. If licensee practices in Kansas during the probationary period, Licensee shall report to the Board in writing once every six months, stating truthfully whether or not he has complied with all terms and conditions.

Q. Licensee's failure to comply with and condition of discipline set forth herein constitutes a violation of this order.

IT IS SO ORDERED.

Dated this 12 day of Dec 2002.

A handwritten signature in cursive script that reads "Michael P. Hurst". The signature is written in black ink and is positioned above a horizontal line.

Mike Hurst, Investigative Board Member

NOTICE OF RELIEF FROM THIS SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

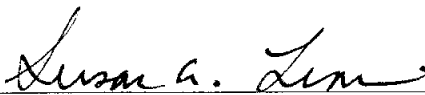
Susan Linn
Executive Director
Kansas Board of Pharmacy
LSOB
900 SW Jackson, Rm 513
Topeka, KS 66612-1231

This written request must be filed within fifteen (15) days from the date indicated in the below Certificate of Service. If you do not request a hearing in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing.

Certificate of Service

This is to certify that on the 10 day of Dec, 2002, a true and correct copy of the above and foregoing was deposited in the U.S. mail, first class postage prepaid, addressed to:

Steven D. Russ
1509 W. Walnut
Nevada, MO 64772.



Susan Linn