

Marty M. Snyder, S. Ct. #11317  
Office of Attorney General Phill Kline  
120 SW 10<sup>th</sup> St., Third Floor  
Topeka, KS 66612  
(785) 296-2215

SEP 21 2004

**BEFORE THE KANSAS BOARD OF PHARMACY**

IN THE MATTER )  
 )  
OF ) **Case No: 04-02**  
 )  
GEORGE F. SAGHBENE, R.Ph. )  
LICENSE # ~~1-4070~~, Respondent )  
1-10709 )

**CONSENT AGREEMENT AND ORDER**

The Kansas Board of Pharmacy through its authorized representative, Jeff Thompson, and George F. Saghbene, Licensee, hereby enter the following Consent Agreement this 21 day of September, 2004.

WITNESSETH:

WHEREAS, George F. Saghbene (Licensee) is properly licensed as a pharmacist pursuant to the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, having been issued license number 1-10709 which expires June 30, 2005; and

WHEREAS, the Kansas Pharmacy Board (Board) is a state agency empowered to enforce the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, including the use of disciplinary actions to suspend, revoke or otherwise limit the licenses of Kansas pharmacists who violate the Act; and

WHEREAS, the parties stipulate that on or about January 8, 2004, Dr. Robert McIntyre wrote a prescription for a patient for sixty (60) 10 mg. tablets of Desoxyn. The prescription was incorrectly filled for forty (40) 5 mg. tablets of Desoxyn by Licensee. Licensee then submitted a billing showing that sixty (60) 5 mg. tablets of Desoxyn were dispensed; and

WHEREAS, Licensee never contacted the physician for authorization to change the strength of the medication dispensed and wrote no incident report. Licensee failed to notify the physician that the pharmacy could not fill the remaining portion of the prescription within a 72-hour period of the first partial filling. Licensee failed to make a notation of the quantity supplied on the face of the written prescription when he was unable to supply the full quantity ordered. Licensee failed to counsel the customer on the new prescription (strength was to have doubled); and

WHEREAS on that date and at that location, Licensee was the Pharmacist in Charge; and

WHEREAS, the above facts state violations of K.S.A. 65-1637(a) - all prescriptions shall be filled in strict conformity with any directions of the prescriber; K.A.R.68-7-12b(a) and (b) - incident reports; K.A.R. 68-2-20(a)(5) - personally offer to counsel each patient or the patient's agent with each new prescription dispensed; K.A.R. 68-20-19(a)(1) and (c)(1) - controlled substances listed in Schedule II: and

WHEREAS, the Board has grounds for revocation, suspension or placement in a probationary status pursuant to K.S.A. 65-1627(a)(5) where the Licensee has violated a provision of the federal or state food, drug and cosmetic act or the uniform controlled

substances act of the state of Kansas; and (a)(6) where the Licensee is found by the Board to have filled a prescription not in strict accordance with the directions of the practitioner; and

WHEREAS, K.S.A. 65-1658 provides for civil fines for violations of the Kansas Pharmacy Act.

WHEREAS, Licensee and the Board mutually desire to enter this Consent Agreement and Order in lieu of formal adjudicative proceedings pursuant to the Kansas Administrative Procedure Act to resolve the report of the alleged violations.

WHEREFORE, for good and valuable consideration, the Licensee and the Board agree as follows:

1. Licensee shall pay to the Kansas Board of Pharmacy an administrative fine of One Thousand Dollars (\$1,000.00) within ten (10) days of the date of the Final Order; and
2. Licensee shall be on unsupervised probation for one year from the date of the Final Order; and
3. Licensee shall take and complete by 85% or better the PIC test within thirty (30) days of the date of the Final Order, with the PIC test administered by the Board and not containing any referenced answers.

IN WITNESS WHEREOF the parties have caused this Consent Agreement and Order to be executed the day and year first above written.

APPROVED AND ADOPTED BY:

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✓ Jeff Thompson  
For Petitioner Board of Pharmacy

9-21-04  
Date

APPROVED AND ADOPTED BY:

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George F. Saghbene, R.Ph., Licensee

9-21-04  
Date

**CERTIFICATE OF SERVICE**

I, the undersigned Board Representative, do hereby certify that a true and correct copy of the above and foregoing Summary Order was served by depositing same in the United States mail, postage prepaid, this 29<sup>th</sup> day September, 2004, to the following:

George Saghbene  
8442 W. Northridge Ct.  
Wichita, KS 67205

And a copy sent via building mail to:

Marty Snyder  
Assistant Attorney General  
120 SW 10<sup>th</sup>, 2<sup>nd</sup> Floor  
Topeka, KS 66612

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Debra L. Billingsley  
Executive Secretary