

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
KATHRYN SCHIPPERS, R.PH.)
Kansas License No. 1-15020) Case No. 18-721

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Kathryn Schippers, R.Ph. ("Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney,

_____.

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, (the "Act") including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued her Kansas license number 1-15020 ("Kansas License"). At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board's Investigation Member has received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1627(a) which would justify the revocation or imposition

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of other disciplinary action against her Kansas License under the provisions of K.S.A. 65-1627(a) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1658.

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds as follows:

A. On June 17, 2018 Respondent submitted to the Board an electronic application to renew her Kansas pharmacist license (“Renewal Application”). As part of the Renewal Application, Respondent certified that she had completed a minimum of 30 hours of continuing education between July 1, 2016 and June 30, 2018. Based upon the representations and certifications made by Respondent in her Renewal Application, the Board renewed her Kansas license.

B. On October 25, 2018 the Board advised Respondent by letter that she had been selected for a continuing education audit and requested she provide the Board proof of the continuing education she claimed in her Renewal Application by November 15, 2018.

C. On December 18, 2018, the Board’s Executive Secretary wrote the Respondent regarding the continuing education audit. The substance of the letter was :

“The Kansas State Board of Pharmacy received your email correspondence on November 14, 2018, which contained several certificates of completion for various continuing education courses in response to the Board’s audit request. Board staff noted that your NABP CPE Monitor did not include any courses on March 14, 2018 that matched the certificates you submitted for “Reducing the Risk of Cardiovascular Disease in Patients With Diabetes” and “Pharmacist – The Pharmacist’s Role in Customized Solutions for Patients with Dry Eye Disease.” It would also appear that the course completion date printed on the two certificates is different than all other writing on the certificates. As a result, staff contacted Pharmacy Times (PTCE) to verify the March 14,

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2018 certificates. PTCE indicated that both courses were completed on November 14, 2018.”

The Executive Secretary’s letter requested a written explanation of the discrepancy by December 28, 2018.

D. On December 18, 2018 the Respondent wrote to the Board and admitted she had falsified the dates on the two certificates mentioned in the December 18, 2018 letter.

6. Upon motion duly made, seconded and passed, the Board finds and concludes that Respondent’s conduct, as described above, violates the Act and such conduct warrants the imposition of appropriate disciplinary action against Respondent’s Kansas License under the provisions of pursuant to K.S.A. 65-1627 (a)(1).

7. The Respondent agrees and consents and the Board finds concludes and orders that the following disposition is just and appropriate under the circumstances:

A. **SUSPENSION.** The Respondent’s Kansas license to practice pharmacy shall be suspended for a period of Sixty (60) days from the effective date of the Consent Order contemplated hereby.

B. **ADMINISTRATIVE FINE.** Within ten (10) days of the Board entering the Consent Order contemplated hereby, the Respondent shall pay to the Kansas Pharmacy Board an administrative fine in the amount of Five Thousand Dollars (\$5,000.00)

C. **OTHER REQUIREMENTS.** Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he must, and the Board further orders the Respondent to:

- i. Comply fully with this Stipulation and Consent Order;

- ii. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacies;
- iii. *Advise the Board's Executive Secretary within 10 days of being charged with any crime.*

8. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and or its attorney regarding the investigation which lead to this disciplinary action 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 Stipulation and Consent Order, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent 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.

9. The stipulations contained herein shall not become binding until this Stipulation and Consent Action is approved by the Board. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order provided for herein.

10. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the final order provided for herein. The Respondent further agrees, for purposes of this matter, that the

Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

11. This Stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

12. The Respondent acknowledges that she has the following rights:

(a) To have formal notice of charges served upon her;

(b) To file a response to the charges;

(c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and

(d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order.

13. The Respondent acknowledges that she enters into this Stipulation and Consent Order freely and voluntarily after consultation with counsel of her choosing. The Respondent further acknowledges that she has read this Stipulation and Consent Order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

14. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

15. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

16. Upon approval of this Stipulation and Consent Order by the Board, it shall be a public record in the custody of the Board.

17. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

18. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of the final order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the final order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Director at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

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ENTERED AND EFFECTIVE this 2nd day of February, 2019.

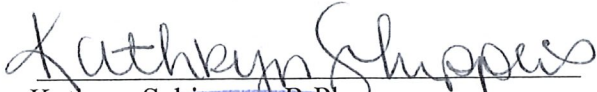
KANSAS BOARD OF PHARMACY

By:

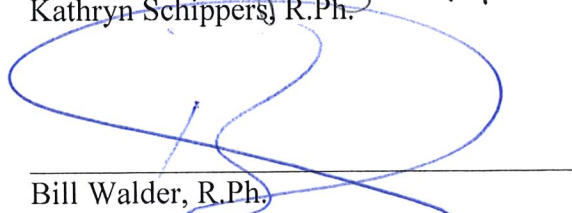


DR. JOHN WORDEN
President

AGREED AND APPROVED BY:


Kathryn Schippers, R.Ph.

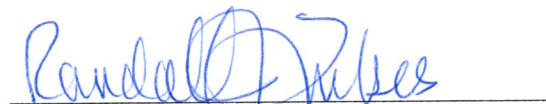
1-21-19
Date


Bill Walder, R.Ph.
Investigation Member

2-8-19
Date

Respondent's Attorney's Name & Address

Date


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(785) 354-1100

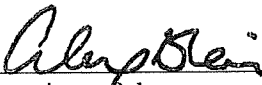
01/23/2019
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 14th day of February, 2019 addressed to:

Randall J. Forbes
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Kathryn Schippers, R.Ph.
5400 Overland Dr. W6
Lawrence, KS 66049



Representative of the
KANSAS BOARD OF PHARMACY