

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By  
JUL 17 2015  
KANSAS STATE  
BOARD OF PHARMACY

In the Matter of )  
 )  
BRUCE SHERIDAN, R.PH. )  
Kansas License No. 1-09762 )

Case No. 15-004

**STIPULATION AND CONSENT ORDER**

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

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, Tracey D. Johnson, Law Office of Tracey D. Johnson, LLC, Law Office of Tracey D. Johnson, LLC, 8726 Bourgade Ave., Suite 102 Lenexa, KS 66219.

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 him Kansas license number 1-09762 ("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 of other disciplinary action against his Kansas License under the

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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:

A. During the period from January 2012 through November 2014 (the "Time Period"), Licensee was employed as a pharmacist at the Hy-Vee Pharmacy in Mission Kansas.

B. During the Time Period Licensee knowingly and willfully removed from his employer 240 prescriptions for himself and his family members without paying or causing to be paid the copayment charge due from the patient after insurance. Licensee's willful failure to obtain the patient copayment resulted in a loss to his employer of at least \$6,990.52.

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)(3) as defined at K.S.A. 65-1626 (ccc)(5) and pursuant to K.S.A. 65-1627 (a)(3) as defined at K.S.A. 65-1626 (xx)(1), (2) and (3).

6. 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.** Respondent's Kansas License shall be suspended for a period of 365 days from the effective date of the Consent Order contemplated hereby ("Period of Suspension"). For the Suspension Period to end as provided for herein, Respondent must

first have provided the Board's Executive Secretary a fingerprint card and payment of processing fee of \$50.00.

B. PROBE COURSE. During the Period of Suspension, Respondent must take and pass the *Ethics and Boundaries Course (PROBE)* available through the Center for Professional Education for Physicians (CPEPdoc.org) and have the results provided to the Board. If Respondent fails to meet this requirement during the Period of Suspension, the Period of Suspension shall be automatically extended until Respondent does take and pass the *Ethics and Boundaries Course (PROBE)* and have the results provided to the Board

C. PROBATION AND LICENSE LIMITATION. For the 5-year period following termination of the Period of Suspension, or any extension thereof, Respondent's Kansas License shall be on probationary status ("Period of Probation"). During the Period of Probation, Respondents Kansas License shall be limited to the extent that he shall be prohibited from: (i) filling prescriptions for himself or for any of his family members; (ii) filling prescriptions written by a family member; and (iii) serving as a Pharmacist-in-Charge or a preceptor.

D. APPEARANCE. Respondent shall be present at the Board meeting at which this Stipulation and Consent Order is considered by the Board. It shall be the Respondent's responsibility to contact the Board's Executive Director to determine when and where to appear.

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

1. Comply fully with this Stipulation and Final Agency Order;

2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacies;

3. *Advise the Board's Executive Secretary within 10 days of being charged with any crime.*

7. 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 his 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.

8. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved and entered as a final order 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.

9. 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 as a Final Order of the Board. 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.

10. 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.

11. The Respondent acknowledges that he has the following rights:

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

(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 Procedures 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 him to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and

Consent Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

13. 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 him. 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.

14. 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.

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

16. 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.

17. The Respondent acknowledges that he has been advised by the Board that he 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 Debra Billingsley, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 16 day of July, 2015.

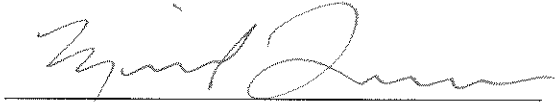
KANSAS BOARD OF PHARMACY

By: Chad Ullom  
DR. ROBERT HANEKE  
President

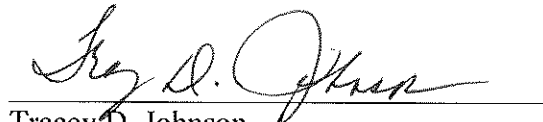
AGREED AND APPROVED BY:

  
Bruce Sheridan, R.Ph.

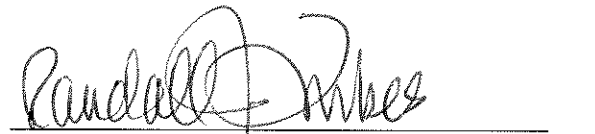
July 10 2015  
Date

  
Mike Lonergan, R.Ph.  
Investigation Member

7-16-15  
Date

  
Tracey D. Johnson  
Law Office of Tracey D. Johnson, LLC  
8726 Bourgade Ave., Suite 102  
Lenexa, KS 66219  
**Counsel for Respondent**

7/10/15  
Date

  
Randall J. Forbes, KS#09089 MO#64335  
FRIEDEN, UNREIN & FORBES, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604  
(785) 354-1100  
**Counsel for the Kansas Board of Pharmacy**

7/16/2015  
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 17 day of July, 2015 addressed to:

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

Bruce Sheridan, R.Ph.  
14504 West 91<sup>st</sup>  
Lenexa, KS 66215

Tracey D. Johnson  
Law Office of Tracey D. Johnson, LLC  
8726 Bourgade Ave., Suite 102  
Lenexa, KS 66219

Mitzi Dodds  
Representative of the  
KANSAS BOARD OF PHARMACY