

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY
of the State of Kansas,
Plaintiff,

vs.

ROBERT C. SIMS,
License No. 10882,
Defendant.

AGREED ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas on a Formal Petition filed February 19, 1992. Said Formal Petition was set down for hearing April 4, 1992, at 1:30 P.M. in Wichita, Kansas. Defendant, Robert C. Sims was duly notified pursuant to the Administrative Practice Act of the State of Kansas.

Defendant, Robert C. Sims states that he has been advised of his procedural rights under the Pharmacy Practice Act, wherein Counsel for the Board advised Defendant of his rights to a formal hearing wherein he had a right to be represented by counsel, call witnesses on his behalf, cross examine Plaintiffs witnesses and other procedural rights. Counsel further advised Defendant of the statutory sections of the law which were allegedly violated and

the statute giving the Board jurisdiction in the matter. Whereupon Defendant waived his right to formal hearing.

Defendant further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. That Defendant has failed to comply with the conditions of probation as set out in the "Stipulation In Lieu of Formal Hearing" as set forth in the Petition (Exhibit A, attached to the Petition).

2. That pursuant to K.S.A. 65-1627(a)(4) and the terms of the Stipulation signed by the parties the State Board of Pharmacy for the State of Kansas has power and authority to revoke, suspend or place on probation or non-renew Defendant's license.

3. It is the Defendants desire to avoid a Formal Hearing and wishes to enter this Agreed Order; agreeing to an indefinite suspension with the understanding that Defendant may apply for reinstatement of his license to practice pharmacy in the State of Kansas at anytime except that the Defendant has the burden, by substantial evidence of meeting certain requirements as set forth in the following Paragraph 4.

4. The Defendant, Robert C. Sims shall show by substantial evidence that he is drug and alcohol free. Substantial evidence shall include but not necessarily limited to the following:

(a) Treatment or involvement on a regular and consistent basis in an impaired or drug rehabilitation program.

(b) Said program shall be one involving random unannounced drug testing and such drug testing shall show that Defendant is drug or alcohol free.

(c) Full cooperation by the Defendant in said program and said program or treatment plan must be with a person or organization approved by the Professional Advisory Service, Inc. as being at least equivalent to the treatment programs it administers.

(d) The Defendant must, before applying for reinstatement have successfully completed a drug or alcohol rehabilitation program to the satisfaction of such treating person or organization and Defendant must cooperate and be involved in an after-care program similar to and approved by the Professional Advisory Service, Inc.

5. Should Defendant wish to apply for reinstatement of his license such application shall be made 90 days

prior to a regular meeting of the State Board of Pharmacy for the State of Kansas. Defendant may obtain said regular meeting dates by calling the Board's office.

6. The Application for Reinstatement shall be accompanied by the following:

(a) A full and detailed report of all treatment Defendant has received and been involved in including but not limited to dates of treatment, the name, address and telephone number of those individuals involved in the treatment, a summary of the nature of the treatment, the address and telephone number of the location where the treatment took place. This report shall cover the period from the date of the last inpatient treatment to the date of the application for reinstatement.

(b) A full release directed to any and all those individuals and organizations involved in the treatment and rehabilitation of Defendant, directing them to discuss with representatives of the Board of Pharmacy, Defendant's case and release copies of any and all reports, memos and documents relating to Defendant's treatment. Should Defendant fail or refuse to execute any release requested of Defendant, such failure or refusal shall be grounds for denial of reinstatement.

7. Should the Board of Pharmacy decide to reinstate Defendant's license, Defendant shall submit proof of completing approved continuing education units of 15 hours if the indefinite suspension is less than one year and 30 hours if more than one year. Defendant shall also be required to pay a renewal fee equivalent to the intervening years less the penalty for non-renewal.


8. Should the Board of Pharmacy decide to reinstate Defendant's license, it may impose a probationary period with any conditions it deems appropriate relating to drug or alcohol impairment or addiction.

9. Defendant further understands that he may not regain his license to practice the profession of pharmacy in the State of Kansas by means of applying for a new license, or by reciprocity from another state.

IT IS THEREFORE ORDERED that Defendant, Robert C. Sims be placed on indefinite suspension to practice pharmacy in the State of Kansas.

Dated this 20th day of March, 1992.

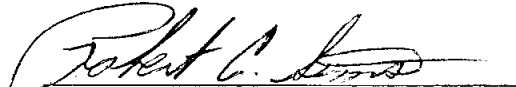
STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS



Hoyt Kerr, President
and Presiding Officer

I, Robert C. Sims, have read the foregoing Agreed Order and fully understand the terms and agree to this Order freely and voluntarily.

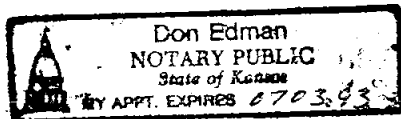
Dated this 12TH day of MARCH, 1992.


Robert C. Sims

STATE OF KANSAS, COUNTY OF DOUGLAS, ss:

BE IT REMEMBERED, That on this 12TH day of MARCH, 1992, before me the undersigned, a notary public in and for the county and state aforesaid, came Robert C. Sims who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

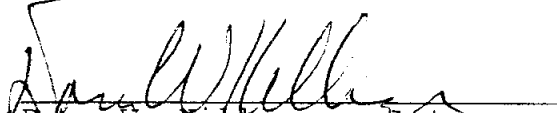



Notary Public

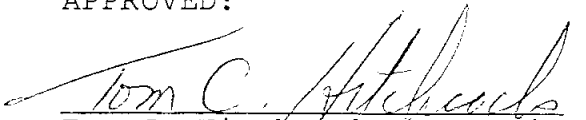
My Appointment Expires:

JULY 3RD, 1993

PREPARED BY:


Dana W. Killinger, Attorney
for the State Board of
Pharmacy for the State
of Kansas

APPROVED:


Tom C. Hitchcock, Executive
Secretary for the State
Board of Pharmacy for
the State of Kansas