

BEFORE THE STATE BOARD OF PHARMACY  
OF THE STATE OF KANSAS

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

vs.

HUBERT M. SNELL,  
License No. 8057,

Defendant.

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas this 24th day of June, 1990.

The State Board of Pharmacy appears by Barbara Renick, President, Karla Kneebone, Vice-President; Kathleen Mahanna, Pharmacist; Hoyt Kerr, Pharmacist; Dana Creitz, Pharmacist; and Laurence Hendricks, Consumer Representative. Also appearing are Tom Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. The Defendant, Hubert M. Snell, appears in person.

Defendant states that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure 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 is duly licensed to practice pharmacy in the State of Kansas, License No. 8057.

2. That Defendant is Pharmacist in Charge of the Hugh Snell Prescription Pharmacy, Registration No. 6457.

3. That on or about December 21, 1989, said pharmacy filled Prescription #5503176YT with Iophen DM when the doctor wrote said prescription specifically for Tussi-Organidine DM, no brand exchange permitted. Said prescription was written by Dr. Edward J. Hett, M.D. for the patient Sheryl Johnson. Said act constitutes a violation of K.S.A. 65-1637(a), and K.S.A. 65-657(o).

4. That as a result of an inspection on February 6, 1990, conducted by a State Board inspector, the following violations were observed:

(A) Failure to display name of pharmacist on duty,  
K.A.R. 68-2-15.

(B) Failure to properly date form 222 as required by 21 C.F.R. 1305.09.

(C) A prescription for a controlled substance was written and filled for a doctors office supply in violation of K.A.R. 68-20-18(b)(2).

(D) Four violations of K.A.R. 68-20-18 (c)(1), missing physician DEA number, incomplete product description and missing dates.

(E) Two counts of violation K.A.R.68-20-19(D)(2), failure to cancel a CII prescription.

5. That the Defendant has failed to comply with the statutory and regulatory requirements imposed by the State upon pharmacists licensed by the State.

6. That the State Board of Pharmacy of the State of Kansas pursuant to K.S.A. 65-1627 (a)(5)(6) & (8) has jurisdiction and power to revoke, suspend or place on probation said Hubert M. Snell.

IT IS THEREFORE ORDERED that Hubert M. Snell, License No. 8057, be required to take and pass with 75% the closed book pharmacy law exam in the Board of Pharmacy office, Topeka, KS, within thirty (30) days from this date.

  
Barbara A. Renick, President  
Kansas State Board of Pharmacy

Dated this 24 day of June, 1990.

I, Hubert M. Snell, have hereby read the foregoing Stipulations and Order and fully understand the violations to which I am stipulating to and understand the terms of the Stipulation.

*Hubert M. Snell*

Hubert M. Snell  
License No. 8057

PREPARED BY:

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

APPROVED:

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