

Marty M. Snyder, S. Ct. #11317
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NOV 30 2004

BEFORE THE KANSAS BOARD OF PHARMACY

IN THE MATTER)

OF)

RICKY K. STONE, R.Ph.)
LICENSE # 1-10657, Respondent)

Case No: 04-19

CONSENT AGREEMENT AND ORDER

The Kansas Board of Pharmacy through its authorized representative Jeff Thompson, President, and Ricky K. Stone, Licensee, hereby enter the following Consent Agreement this 30 day of November, 2004.

WITNESSETH:

WHEREAS, Ricky K. Stone (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 1-10657 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 May 13, 2002, a customer had a prescription for sixty metoclopramide 10 mg. tablets filled at Walgreen's Pharmacy at 710 N. West Street in Wichita, Kansas. However, she received sixty Lanoxin .25 mg tablets that had been divided in half in a container labeled metoclopramide; and

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

WHEREAS, the medication prescribed was for motility of stomach and intestine, but the medication erroneously dispensed was for heart; and

~~WHEREAS, no counseling was offered or given with regard to the new prescription;~~
~~and~~

WHEREAS, the customer did not notice the difference in the tablets, took the dispensed medication, became very ill and had to be hospitalized

WHEREAS, in documenting all pertinent information regarding this incident, the pharmacy quality assurance report 10.b. is to describe the actions taken and preventative steps used to prevent a recurrence, however, the line is blank; and

WHEREAS, the above facts state a violation of K.S.A. 65-1637(a) - all prescriptions shall be filled in strict conformity with any directions of the prescriber; and

WHEREAS, the above facts state violations of K.A.R. 68-2-20 (a)(5) - pharmacist's function in filling a prescription...personally offer to counsel each patient or the patient's agent with each new prescription dispensed; K.A.R. 68-7-12 (d)(1)(F) - Each pharmacist or pharmacy staff member shall inform the pharmacist-in-charge of the alleged or real error

and shall promptly document in writing all pertinent information relating to the alleged or real incident. The pharmacist-in-charge shall be responsible for the written report and shall document all relevant information. The report shall contain the following information ... (F) a description of the actions taken and preventive steps to prevent a recurrence.

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, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act, 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 in an amount not to exceed Five Thousand Dollars (\$5,000.00).

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 effective date of the Final Order; and

2. Licensee shall be on probation for one year from the effective date of the Final Order and during that time shall forward a copy of all personal incident reports to the


Board's Executive Director. In the Board's discretion, serious violations of the controlling statutes or administrative regulations during the probationary period could result in an immediate temporary suspension not to exceed thirty (30) days, pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-537.

3. Licensee shall complete five (5) hours of continuing education during the probationary period in addition to the biennial requirement. The additional education shall be on avoiding prescription errors.

4. In the event that this Consent Agreement and Order is not approved by the Board, Licensee agrees to waive any objection to the composition of the Board should this matter have to go to evidentiary hearing pursuant to the Kansas Administrative Procedure Act.

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:



Jeff Thompson, President
For Petitioner Board of Pharmacy

11/30/04
Date

APPROVED AND ADOPTED BY:



Ricky K. Stone, R.Ph., Licensee

11/30/04
Date

CERTIFICATE OF MAILING

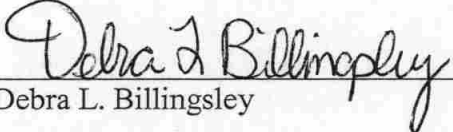
I do hereby certify that a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was mailed on the 2nd day of December and sent by U.S. mail, postage prepaid to the following persons:

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