

BEFORE THE
KANSAS STATE BOARD OF PHARMACY
Landon State Office Building, Room 513
Topeka, Kansas 66612
785/296-4056

In The Matter	}	
	}	
of	}	Case No.
	}	
ASHLAND DISTRICT HOSPITAL,	}	
PHARMACY, #2-05227,	}	
Respondent	}	
_____	}	

CONSENT AGREEMENT AND ORDER

Now on this 7th day of January, 1999, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Ashland District Hospital, (Registrant) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Ashland District Hospital is a registered pharmacy within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto.
2. On or about August 1, 1998, the Board failed to receive an application for renewal of the registrants pharmacy registration as required by K.S.A. 65-1645.
3. The Board conducted an investigation concerning Registrant's alleged violation of statutes and regulations.
4. During the investigation, Registrant was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.
5. As a result of the investigation, the Board determines that the Registrant failed to apply for a registration as a pharmacy for the registration year ending June 30, 1999.
6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Registrant has been guilty of/violated K.S.A. 65-1643 and K.S.A. 65-1645 for failure

to register to do business in the State of Kansas.

HOWEVER, Licensee and the Board mutually desire to enter into the Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE Registrant waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to this matter.

WHEREFORE Registrant waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to this matter.

WHEREFORE Registrant consents to:

1. The Registrant shall immediately apply for a pharmacy registration pursuant to K.S.A. 65-1643 and K.S.A. 65-1645, including the Two Hundred Fifty dollars and no cents (\$250.00) late application fee.

2. The Registrant shall pay a civil fine in the amount of five dollars and no cents (\$5.00) per day for the days that the registrant was operating as a pharmacy in the State of Kansas, between July 1, 1998 and November 30, 1998, without being registered as required by law. The civil fine for failure to properly register with the board shall be Seven Hundred Sixty Five dollars and no cents (\$765.00).

3. The Registrant shall cooperate with the board and its investigators to enable the board to discharge its duties in a responsible manner.

4. This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by the parties.

5. The Registrant shall be responsible for all costs incurred in satisfying the terms of the Consent Agreement and Order.

6. Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Registrant is also licensed, registered or certified in another jurisdiction.

7. This Consent Agreement and Order is reportable to state and federal licensing agencies and applicable professional associations.

8. Evidence of Registrant's willful failure to comply with any of the conditions will result

in a hearing, with notice and opportunity to be heard, to determine whether Registrant has in fact willfully failed to comply with any conditions. Upon the determination by the board at such hearing that the Registrant has willfully breached, violated or failed to comply with any condition of this Consent Agreement and Order, Registrant understands and agrees that the license shall be revoked.

9. Registrant acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with conditions. In such an event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

WHEREFORE Registrant consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

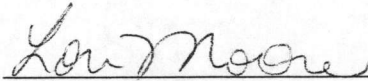
WHEREFORE Registrant agrees that all information in the possession of the Board or its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Order and the Final Order provided for herein, with or without the presence of the licensee or the licensee's attorney. In the event that this Consent Agreement and Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Consent Agreement and 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.

WHEREFORE the Board agrees that so long as Registrant complies with the above conditions that the Board will not initiate further disciplinary action against Registrant in relation to violation of K.S.A. 65-1625 et seq as it relates to the subject matter of this Consent Agreement and Order.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas State Board of Pharmacy which become effective on the date indicated in the

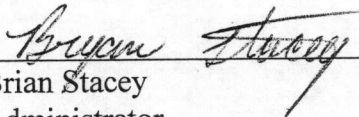
below Certificate of Service.

IT IS SO ORDERED.



Lori Moore, Chair
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

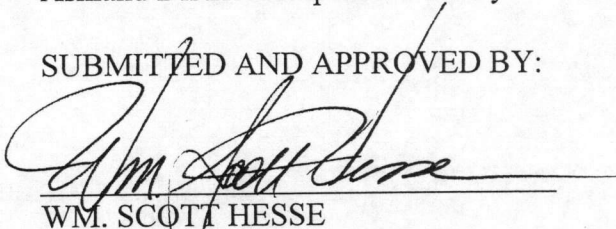


Brian Stacey
Administrator
Ashland District Hospital Pharmacy

12/9/98

(date)

SUBMITTED AND APPROVED BY:



WM. SCOTT HESSE
Assistant Attorney General
2d Floor, Judicial Center
Topeka, Kansas 66612
785/296-2215


1/7/99
(Date)

Certificate of Service

This is to certify that on the 7th day of JANUARY, 1999 a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Brian Stacey
Administrator
Ashland District Hospital Pharmacy
P.O. Box 188
Ashland, Kansas 67831

Wm. Scott Hesse
Assistant Attorney General
2d Floor, Judicial Center
Topeka, Kansas 66614


For the Kansas State Board of Pharmacy