

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.
	}	
OSCO PHARMACY, #2133,	}	
Registered Pharmacy, #2-09047,	}	
Respondent	}	
_____	}	

CONSENT AGREEMENT AND ORDER

Now on this 26<sup>th</sup> day of August, 1999, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of OSCO #2133, (Registrant) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Registrant hereby acknowledges the following:

1. OSCO #2133 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 April 15, 1999, Board investigator Carly Haynes investigated a complaint against the registrant. During the course of the investigation, Inspector Haynes determined that the respondent was not in possession of hard copies of RX # 0655512 and RX 0666628 in violation of K.S.A. 65-1642(c).
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 admits to those allegations.
5. As a result of the investigation, the Board makes the following factual determinations:
  - (a) The registrant did not keep a suitable book or file of records for prescription number 0655512.

(b) The registrant did not keep a suitable book or file of records for prescription number 0666628.

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Registrant has violated K.S.A. 65-1642(c).

HOWEVER, Registrant 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:

(a) A Five Hundred Dollar (\$500.00) administrative fine.

(b) This Consent Agreement and Order constitutes the entire agreement between the Registrant and may be modified or amended only by written agreement signed by the parties.

(c) Registrant shall be responsible for all costs incurred in satisfying the terms of the Consent Agreement and Order.

(d) 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.

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

(f) 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 determination at such hearing that Registrant has willfully breached, violated or failed to comply with any condition, Registrant understands and agrees that the license shall be revoked.

(g) 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 event, a designee of the Board is authorized to modify or amend this Consent Agreement and

Order in writing.

(h) A representative of the registrant shall appear in person before the Kansas State Board of Pharmacy to respond to any questions or comments that may be posed by the board at the next regularly scheduled meeting of the board to be held on August 26, 1999 at 3:00 p.m..

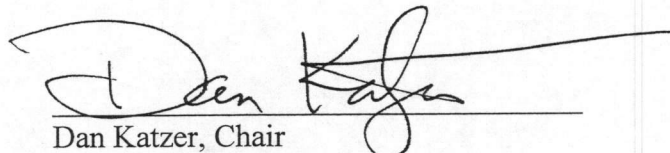
WHEREFORE Registrant consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

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 registrant or the registrant'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 regarding this matter.

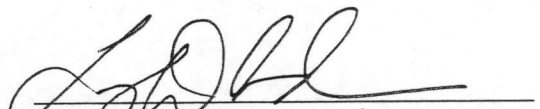
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas State Board of Pharmacy which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Dan Katzer", is written over a horizontal line. The signature is stylized and cursive.

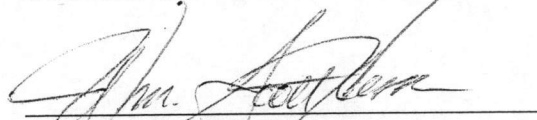
Dan Katzer, Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

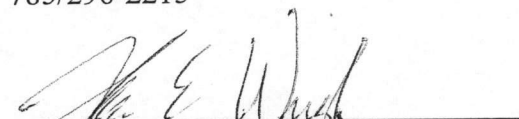
  
Registrant for OSCO Div #2133

8-20-99  
(Date)

SUBMITTED AND APPROVED BY:

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

8/26/99  
(Date)

  
THOMAS E. WRIGHT  
Wright, Henson, Somers,  
Sebelius, Clark and Baker  
2d Floor, Commerce Bank Building  
100 E. Ninth Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

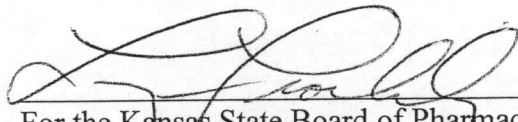
8-25-96  
(Date)

Certificate of Service

This is to certify that on the <sup>1st</sup> ~~26~~ day of ~~August~~ <sup>SEPTEMBER</sup>, 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:

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

Thomas E. Wright  
Wright, Henson, Somers,  
Sebelius, Clark and Baker  
2d Floor, Commerce Bank Building  
100 E. Ninth Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555



For the Kansas State Board of Pharmacy