

BEFORE THE KANSAS PHARMACY BOARD

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KANSAS STATE  
Board of Pharmacy

In the Matter of )  
)  
BRISCOE PHARMACY )  
847 S. Main, Ottawa, KS )  
Kansas Registration No. 2-08610 )

Case No. 05-65

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Briscoe Pharmacy, 847 S. Main, Ottawa, KS. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Haynes & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney,

Robert C. Bezdek Jr. Bezdek, Leary, + Hendrix, III PC, P.C.,  
Ottawa KS.

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas registration to operate a pharmacy.

3. The Respondent is presently entitled to operate a pharmacy in the State of Kansas by reason of the Board having issued it Kansas registration number 2-08610. At all times relevant hereto, the Respondent has held a current registration to operate a pharmacy in the State of Kansas.

4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has operated in such a manner that violates the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

Respondent hereby agrees not to contest in this or any other proceeding before or initiated by the Board that for the period January 1, 2005 through October 31, 2005, the Respondent had an unaccounted for inventory shortage of 25 ½ bottles of Hydrocodone/Guaifenesin 5/100mg syrup and for the period January 1, 2005 through November 8, 2005, an unaccounted for inventory shortage of 3007 tablets of Hydrocodone/Apap. Respondent further hereby agrees not to contest in this or any other proceeding before or initiated by the Board that it failed to provide for adequate security while a pharmacist was not in attendance at the pharmacy.

The Board finds and concludes that Respondent's conduct, as described above, is grounds for disciplinary action in the State of Kansas pursuant to K.S.A. 65-1627(e).

5. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances:

A. FINE. Respondent hereby agrees and consents to the Board's entry of an order whereby within ten (10) days of the Board entering the Final Agency Order provided for herein, it shall pay to the Kansas Pharmacy Board an administrative fine in the amount of One Thousand Dollars (\$1,000.00).

B. OPERATIONAL CHANGES. Respondent hereby agrees and consents to the Board's entry of an order requiring Respondent, within 60 days of the effective date of the Final Agency Order contemplated hereby, to install and maintain an operating alarm system and adopt and enforce a procedure that requires each person receiving any narcotics being