

BEFORE THE KANSAS BOARD OF PHARMACY

Received
SEP 14 2006
KANSAS STATE
Board of Pharmacy

In the Matter of)
)
JANE A COWEE, R.Ph.)
Kansas License No. 1-10968)

Case No. 06-23

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Jane A Cowee, R.Ph. (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 her attorney,

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 license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued her Kansas license number ~~1-11502~~ ¹⁻¹⁰⁹⁶⁸. At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

1-10968 ✓
1-11502 ✗

4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that Respondent took and consumed Schedule II injectible drugs, Hydromorphone HCL, belonging to her employer and for which Respondent did not have a valid prescription.

The Board finds and concludes that Respondent's conduct, as described above, violates various provisions of the Pharmacy Act and regulations promulgated pursuant and is grounds for disciplinary action against her license to practice pharmacy in the State of Kansas pursuant to K.S.A. 65-1627 (a)(3), as defined by K.S.A. 65-1626 (ee)(3) and (hh)(5); K.S.A. 65-1627 (a)(5), and K.S.A. 65-1627 (a)(13).

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

A. SUSPENSION. Respondent hereby agrees and consents to the Board's entry of an order whereby her license to practice pharmacy in the State of Kansas is suspended for a period of 230 days from April 15, 2006 until December 5, 2006.

B. PROBATION AND LIMITATION. Respondent hereby agrees and consents to the Board's entry of an order placing her license to practice pharmacy in the State of Kansas on probationary status for a period of five (5) years beginning on December 5, 2006 and ending December 5, 2011. Respondent acknowledges that if she fails to comply with the other requirement of the Final Agency Order contemplated hereby, including full compliance with the Kansas Pharmacy Impaired Provider Program and the recommendations and requirements

of the persons managing and implementing the Kansas Pharmacy Impaired Provider Program, the Board may refuse to place her license to practice pharmacy on a probationary status and implement some other discipline, including suspension or revocation of her license. Respondent further hereby agrees and consents to the Board's entry of an order providing that during any probation period:

a. Respondent shall not work as or perform the duties of a pharmacist in charge in any practice setting;

b. Respondent shall not work in the pharmacy area of any pharmacy in any practice setting unless another pharmacist or pharmacy technician is also present in the pharmacy area;

c. Respondent shall notify the Board's Executive Director, in writing, within 10 days of obtaining or changing employment;

d. Respondent will accept employment as a pharmacist only if her employer agrees to and does perform a controlled substances inventory at the time she begins employment.

C. IMPAIRED PROVIDER PROGRAM. If Respondent is not currently a party to an agreement with the Kansas Pharmacy Impaired Provider Program, the Respondent shall immediately enter into an agreement with the Kansas Pharmacy Impaired Provider Program for a period of no less than 5 years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the Kansas Pharmacy Impaired Provider Program, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the Kansas Pharmacy Impaired Provider Program and the further requirements of the Board. Respondent