

BEFORE THE KANSAS PHARMACY BOARD

Filed By

MAR 06 2007
KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Dighton Drug) Case No. 06-74
136 E. Long, P.O. Box 548, Dighton, KS)
Kansas Registration No. 2-08520)

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Dighton Drug, 136 E. Long, P.O. Box 548, Dighton, Kansas 67839 (the "Respondent"), as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by its attorney, Craig D Kershner, PO Box 967, 235 E. Pearl, Dighton KS 67839.

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 2-08520. 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 the following matters:

A. That on or about May 3, 2006, Respondent dispensed to a patient at Lane County Hospital and Long Term Care Humulin N when Humulin R had been ordered and the label read Humulin R (the "Humulin Incident"). The Respondent failed to prepare an incident report regarding the Humulin Incident, in violation of K.A.R. 68-7-12b;

B. That on or about August 4, 2006, Respondent dispensed to a patient at Lane County Hospital and Long Term Care Levaquin 250 mg, but the label read Levaquin 500 mg (the "Levaquin Incident"). The Respondent failed to prepare an incident report regarding the Levaquin Incident, in violation of K.A.R. 68-7-12b;

C. That on or about August 13, 2006, Respondent dispensed to a patient at Lane County Hospital and Long Term Care a blister pack that was labeled as Lipitor 10 mg, but the blister pack contained Propranolol 40 mg (the "Propranolol Incident"). The Respondent failed to prepare an incident report regarding the Propranolol Incident, in violation of K.A.R. 68-7-12b;

D. That on or about August 14, 2006, Respondent dispensed to a patient at Lane County Hospital and Long Term Care a blister pack that was labeled Warfarin Sodium 2 mg, but the blister pack contained Digitek .125 (the "Digitek Incident"). The Respondent failed to prepare an incident report regarding the Digitek Incident, in violation of K.A.R. 68-7-12b.

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)(1).