

BEFORE THE KANSAS STATE BOARD OF PHARMACY  
900 SW JACKSON, STE. 560  
TOPEKA, KS 66612-1597

Filed  
FEB 01 2008  
KANSAS STATE  
Board of Pharmacy

IN THE MATTER )  
 )  
OF )  
 )  
DILLON PHARMACY, )  
RESPONDENT )  
\_\_\_\_\_ )

Case No. 07-51

CONSENT ORDER

NOW, on this 30th day of January 2008, the captioned case comes before the Kansas State Board of Pharmacy (Board) by agreement of Respondent, Dillon Pharmacy, for the purpose of resolving this matter. The Board appears by and through Paul J. Morrison, Attorney General of Kansas, and Derenda J. Mitchell, Assistant Attorney General. Dillon Pharmacy does not appear in person, but provides its authorized signature by agreement. The Board, upon mutual consent of the Respondent, finds as follows:

1. Respondent currently holds a license to operate a pharmacy in the State of Kansas, license number 2-09536 .
2. Respondent operates a pharmacy at 6829 SW 29<sup>th</sup>, Topeka, KS 66614, #37.
3. The Board has jurisdiction over Respondent and is authorized to enter into this Consent Order.
4. Respondent is found to have operated a pharmacy in such a manner that violations of the provisions of the Pharmacy Act of the State of Kansas, K.S.A. 65-1626

et seq., and of the rules and regulations of the Board, K.A.R. 68-1-1a et seq., have occurred in connection therewith.

5. A consumer complained to the Respondent that his prescription for Lortab was dispensed as 7.5/325 instead of for 7.5/500, as prescribed.

6. Respondent told the consumer that what was prescribed by the physician was Lortab 7.5/325.

7. The consumer made an appointment with the physician who verified to the consumer that Lortab 7.5/500 was what was prescribed.

8. The Kansas Pharmacy Compliance Inspector, James Kinderknecht, R.Ph., investigated the complaint.

9. The inspector asked Respondent for a copy of the incident report.

10. Mr. Phil Kanelakos, R.Ph., the pharmacist in charge, could not locate an incident report.

11. K.A.R. 68-7-12b(b) sets forth the requirements for completing incident reports.

12. Respondent failed to complete the incident report as required by K.A.R. 68-7-12b(b).

13. Violations of K.A.R. 68-2-20(a)(5) and K.A.R. 68-2-20(b) are violations of 65-1625(a)(8) requiring compliance with the rules and regulations of the Board.

14. K.S.A. 65-1627(a)(8) provides for discipline for violations of any of the statutes or regulations of the Board.

15. K.S.A. 65-1627(e) authorizes the Board to revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy when the

pharmacy has been operated in such a manner that violations of the provisions of the Pharmacy Act or of the rules and regulations of the Board occurred in connection with the operation of the pharmacy.

16. In addition, the Board may issue a civil fine for violation of the provisions K.S.A. 65-1627 in an amount not to exceed \$5,000 for each violation.

17. In order to avoid the expense of a full adjudicatory hearing and to avoid the possibility of discipline greater than that issued herein, Respondent voluntarily enters into this agreement.

18. Respondent understands and waives all rights to notice, a hearing, an adjudication of facts and law, or any manner of review or reconsideration of the findings made herein.

19. Respondent further agrees and waives any right to review, reconsideration, appeal, or modification of any findings.

20. The Board retains the right to discipline Respondent for violations of the Kansas Pharmacy Act and any regulations promulgated thereunder.

21. Respondent consents to this Consent Order and understands that if it is approved, this Consent Order becomes a final order of the Board, without rights of review, reconsideration, appeal or modification or to a formal notice of hearing.

22. In order to comply with this Consent Order, Respondent must first sign and return the Consent Order with the signature of an authorized representative of Respondent affixed to the Consent Order to be received at the office of Assistant Attorney General Derenda J. Mitchell no later than noon on January 11, 2008.

23. Respondent also agrees to provide payment within 30 days of the date of the hearing approving this order to pay a fine in the amount of \$500 for its violation of K.S.A. 65-1627(a)(8) and K.A.R. 68-7-12b pertaining to incident reports.


24. In the event the Board does not approve this Consent Order, the Board retains jurisdiction of the matter. Respondent agrees that the Board may continue to conduct proceedings to determine the discipline to which the Respondent is subject, and Respondent waives any objection to the Board's hearing of Respondent's discipline upon disapproval of the consent order for any reason.

WHEREFORE, THIS VOLUNTARY DISCIPLINE IS HEREBY MADE THE FINAL ORDER OF THE BOARD effective on the date indicated in the certificate of service.

Entered in Shawnee County, Kansas, January 30, 2007.

  
Chair, Kansas Board of Pharmacy

Approved by :

  
Authorized Representative of  
Respondent

1/10/2008  
Date

Certificate of Service


This is to certify that on the 1 day of <sup>February</sup>~~February~~ 2008, a true and correct copy of the above and foregoing was sent by regular first-class mail, postage prepaid, addressed to:

Dillon Companies, Inc.  
Resident Agent: Corporation Service Company  
200 SW 30<sup>th</sup> Street,  
Topeka, Ks 66611

Dillon Stores  
2700 E. 4<sup>th</sup>  
Hutchinson, KS 67501

Derenda J. Mitchell  
Assistant Attorney General  
Memorial Building  
120 SW 10<sup>th</sup> Street  
Topeka, KS 66612  
Disciplinary Counsel to the Board

Randall Forbes  
General Counsel to the Board  
Frieden and Forbes  
555 S. Kansas Ave.  
Topeka, KS 66601

  
On Behalf of the Board