

BEFORE THE KANSAS PHARMACY BOARD

In the Matter of)
)
KANSAS UNIVERSITY HOSPITAL AUTHORITY)
3901 Rainbow Blvd., Kansas City, KS)
Kansas Registration No. 2-04345)

Case No. 06-14

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Kansas University Hospital Authority, 3901 Rainbow Blvd., Kansas City, 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 its attorney, Steve A. Schwarm, Polsinelli Shalton Welte Suelthaus PC.

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.* and the Kansas Controlled Substances Act, K.S.A. 65-4101 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas registration to operate a pharmacy and the Kansas registration to dispense controlled substances.

3. The Respondent is presently entitled to operate a pharmacy in the State of Kansas and distribute controlled substances by reason of the Board having issued it Kansas registration number 2-04345. At all times relevant hereto, the Respondent has held a current registration to operate a pharmacy and distribute controlled substances 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 a Board regulation promulgated pursuant to the Kansas Controlled Substances Act.

Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that it maintained schedule II, III, IV, and V controlled substance invoices and DEA 222 forms for 2 years, as required by federal law, but failed to maintain them for 5 years as required by K.A.R. 68-20-16(a).

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. 65-4118(a)(3).

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 five hundred dollars (\$500.00).

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Final Agency Order he must:

1. Comply fully with this Stipulation and Final Agency Order;
2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacies;

6. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and/or its attorney regarding the investigation which lead to this disciplinary action and all information discovered during the pendency of the