

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

KANSAS BOARD OF PHARMACY )  
 )  
v. )  
 )  
LAURENCE B. LEAMER, R.PH. )  
\_\_\_\_\_ )

Case Numbers 06-91, 07-88, 08-22

EMERGENCY ORDER

I. Statement of the Case

On or about February 6, 2008, the Kansas Board of Pharmacy (Board) received a complaint from a widow who claimed Hogan's Pharmacy (Hogan's) improperly dispensed a prescription drug to her husband via the internet. The complaint alleged that the drug, Soma, led to her husband's death. A toxicology report confirmed that Carisoprodol, the generic name for Soma, and another drug Zolpidem, the generic name for Ambien, were in her husband's blood stream. The coroner's report identified the cause of death as a "mixed drug intoxication."

Prior to the widow's complaint, the Board received a complaint from a father whose daughter received Carisoprodol in the mail from Hogan's. The Colorado resident said his daughter had been denied medications locally because of her drug addiction, but complained that she was able to purchase medication via the internet from Hogan's.

Investigations revealed that Hogan's, through two pharmacists, one of whom is Laurence (Larry) B. Leamer, R.Ph., dispensed a high volume of drugs in internet sales. The volume of drugs dispensed together with inadequate information elicited before



5. Jolane Poindexter and Mark Poindexter, the owners, are registered with the Board as technicians.

6. The Board is subject to the Kansas Administrative Procedures Act (K.S.A. 77-501 *et seq.*)(KAPA). K.S.A. 77-536 of KAPA provides that the Board may use emergency proceedings when a situation poses an immediate danger to the public health, safety, or welfare.

7. The practice of Laurence B. Leamer, R.Ph. poses an immediate danger to the public health, safety, and welfare, and he is hereby ordered to cease and desist from acting as a pharmacist.

### **III. Facts**

8. On or about July 27, 2007, the Board received a complaint about Hogan's from a Colorado resident. The complainant said that Hogan's shipped 180 tablets of Carisoprodol to his daughter. The Colorado resident said his daughter had been denied medications locally because of drug addiction, but complained that she was able to purchase medication via the internet from Hogan's.

9. The Colorado resident complained that the internet site advertised as follows:

- a. "We deliver over 1500 quality prescription drugs online without prescriptions,"
- b. "Instead of a traditional physical exam by the physician, the patient is allowed to decide for himself depending on the symptoms what's right for him," and
- c. "Our medications are primarily the drugs people may have trouble ordering in real life."

10. On September 25, 2007, the Colorado State Board of Pharmacy issued a Cease and Desist Order to Hogan's for delivering prescriptions to Colorado residents without registering as a nonresident prescription drug outlet. Exhibit 1 is the Colorado order. Exhibit 1 is incorporated herein as though recited in full.

11. On or about February 6, 2008, the Board received a complaint from a widow who claimed Hogan's improperly dispensed a prescription drug to her husband via the internet resulting in his death.

12. Kansas Attorney General Special Agent Korby Harshaw interviewed the widow.

13. The widow explained to Special Agent Harshaw that her husband became addicted to Soma following a car accident in which he injured his back. She described her husband's episodes of disorientation and loss of muscle control as "Soma Comas."

14. The widow said her husband turned to an internet pharmacy because her husband could no longer obtain prescriptions for the amount he wanted from his doctor.

15. She said that he had regularly taken as many as 10-12 pills a night before going to bed.

16. On August 25, 2007, she said her husband told her he had taken nine Soma pills before bed. At approximately 8:30 p.m., she went into their bedroom and found her husband slumped over near a pool of vomit, unresponsive, and not breathing.

17. The coroner's report listed the cause of death as a "mixed drug intoxication." A copy of the coroner's external examination report is attached as Exhibit 2. Exhibit 2 is incorporated herein as though recited in full.

18. Following his death, a co-worker reviewed the deceased's email account at work. The co-worker said that the deceased's inbox contained several emails

reminding him to reorder his pills. The co-worker also recalled seeing several Fed-Ex shipments for the widow's husband.

19. The widow contacted Federal Express and learned that the packages were sent from Hogan's.

20. On February 26, 2008, Special Agent Korby Harshaw and Special Agent Daren Fox met with Amber Boyd, a former pharmacy technician at Hogan's.

21. Boyd started working as a pharmacy technician for Hogan's on or about March 3, 2007. She interviewed for the job with owner Jolane Poindexter who described the business as an "internet pharmacy."

22. Boyd said her duties included reviewing prescriptions to make sure basic information matched. Boyd would confirm that females were not ordering Viagra or that people received the appropriate medication for back pain versus headaches.

23. Boyd said there were days when she would deny a hundred prescriptions which had already been approved by Dr. Buckley.

24. On at least a half dozen cases, Jolane Poindexter would direct Boyd to change items completed by the patient on a questionnaire so that what would appear as the patient's answers would match the drug being provided.

25. Jolane Poindexter is not a pharmacist.

26. As an example, Boyd said once a patient requested Fioricet for back pain. Boyd changed the patient's description of the medical condition from back pain to headaches because she understood that Fioricet should not be prescribed for back pain.

27. Boyd said the pharmacist on staff at Hogan's, Rick Kloxin, R.Ph. would review the prescription by looking at the bottle and compare it to the printed prescription. She said the pharmacist would not review any other information.

37. Ms. Grow said that she would package and ship between 300 and 500 prescriptions for a DHL pick up around noon. She then would package an additional 300 to 500 prescriptions in the afternoon to be picked up by Federal Express at about 5:00 p.m.

38. Ms. Grow said that she started experiencing problems with her hands and limited her shipping work to half days. She said she then filled prescription bottles using one of two filling machines in the back room.

39. On or about January 4, 2007 and again on or about July 13, 2007, the Board issued subpoenas for information regarding internet activity. Information received from Hogan's showed that Hogan's record of prescriptions included questionnaires.

40. The questionnaires ask the patient whether they have previously been prescribed the medication they were requesting from Hogan's. The vast majority of the questionnaires, if not all the questionnaires, show the patient answered "yes" to the question. Exhibit 3, attached hereto, is a prescription and questionnaire for a patient located in Plattsmouth, Nebraska. Exhibit 3 is incorporated herein as though recited in full. Information that could identify the patient has been redacted from this Exhibit.

41. The questionnaire also asks, "Is your Personal Healthcare Practitioner aware that you are requesting this medication?" See, Exhibit 3.

42. The response recorded on almost every questionnaire if not on all questionnaires to the question above is "Yes." See, Exhibit 3.

43. Questionnaires also show that Hogan's delivered medication to drop-off locations or pick-up locations, such as Federal Express. Exhibit 4 constitutes copies of questionnaires and prescriptions with drop-off or pick-up locations identified as the shipping address. Exhibit 4 is incorporated herein as though recited in full.

28. Boyd recalled Mr. Kloxin telling her, "It would be impossible for the doctor to review each script coming through Hogan's." Even though Mr. Kloxin acknowledged that the prescriptions were not legitimate, he continued to fill prescriptions ordered through the internet.

29. Boyd also recalled a time when Jim Kinderknecht, R.Ph. a Chief Inspector from the Board visited the pharmacy. Boyd was told to hide the end-of-day reports from him. As Mr. Kinderknecht asked her questions, Ms. Poindexter would hit the back of her chair to indicate Boyd should not answer a particular question.

30. Boyd also said that the pharmacy was 95% internet and it was obvious they "were not getting legitimate orders." Boyd described the requests for prescriptions as coming from "pill poppers."

31. Boyd said, "There was not enough time in the day to thoroughly look at all the prescriptions."

32. On March 4, 2008, Special Agent Korby Harshaw spoke with Rosie Grow.

33. Rosie Grow said she worked in the back of Hogan's as a shipping clerk.

34. Ms. Grow is not and never has been a pharmacy technician registered with the Board.

35. Ms. Grow said that Ms. Poindexter would email prescription labels to the store from home indicating that she had approved them from her house.

36. Ms. Grow also said that a pharmacy technician would take a pre-filled pill bottle and affix a label to it that she received over the internet. The bottle was handed to a pharmacist who would then look at the bottle. The pharmacist would then set the pill bottle down in front of her, and she would package and label the pills for shipping. Ms. Grow said that she shipped pills all over the country.

44. Questionnaires also show that a doctor named Joyce W. Buckley wrote prescriptions filled at Hogan's. Exhibit 4.

45. Joyce W. Buckley's license is a limited three year license and is restricted to an approved underserved area or facility in New York. Dr. Buckley's license is in the field of "gynecology only." Exhibit 5 is a copy of public licensing information about Dr. Buckley easily obtained by Jim Kinderknecht, R.Ph. through the internet. Exhibit 5 is incorporated herein as though recited in full.

46. On July 16, 2007, Board inspectors Jim Kinderknecht, R.Ph. and Carly Haynes, R.Ph., visited Hogan's.

47. Ms. Haynes took pictures showing stacks of unlabeled pill bottles on shelves. Copies of two pictures taken by Ms. Haynes during her July 16, 2007 inspection are attached to this order as Exhibit 6 and are incorporated herein as though recited in full.

48. Ms. Haynes also asked about incident reports during her July 16, 2007 visit. Ms. Poindexter did not have any incident reports on file for two incidents labeled a "mix-up" on a report titled "This represents our (Hogan's Pharmacy) Incident Reports."

49. Ms. Haynes asked Ms. Poindexter about counseling of patients on all new prescriptions. Ms. Poindexter said that the pharmacy does not call each patient. She told Ms. Haynes that they relied on the packaging.

50. Ms. Haynes also observed that Hogan's had three patient databases. The databases were not linked. Ms. Haynes asked if a prescription could be filled for the same patient if the patient uses different internet sites. Ms. Poindexter said, "Technically yes, unless someone recognized the name."

51. Laurence B. Leamer, R.Ph, told Ms. Haynes he would check between 300-400 prescriptions per day.

52. Utah and Missouri also disciplined Hogan's. Exhibit 7 is evidence of the discipline of Hogan's in Utah. Exhibit 7 is incorporated herein as though recited in full. Exhibit 8 is evidence of the discipline of Hogan's in Missouri. Exhibit 8 is incorporated herein as though recited in full.

#### **IV. Conclusions of Fact and Law**

##### **A. Acts of Unprofessional Conduct or Professional Incompetency**

###### **i. Definitions and Authority**

53. "Unprofessional conduct" means intentionally falsifying or altering records or prescriptions, conduct likely to harm the public, and the commission of any act of exploitation related to the licensee's professional practice. K.S.A. 65-1626(hh)(4), (7), & (9).

54. "Professional incompetency" means one or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence or repeated instances of ordinary negligence. K.S.A 65-1626(cc).

55. The Board may revoke, suspend, place on a probationary status or deny a license to a pharmacist who is found guilty of unprofessional conduct or professional incompetency. K.S.A. 65-1627(a)(3).

56. "In every store, shop or other place defined in this act as a "pharmacy" there shall be a pharmacist in charge and, except as otherwise provided by law, the compounding and dispensing of prescriptions shall be limited to pharmacists only." K.S.A.65-1637.

57. K.A.R. 68-2-20(a) requires that the “judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a licensed pharmacist or by a pharmacy student or intern under the direct supervision of a licensed pharmacist . . .”

58. K.A.R. 68-2-22(a)(b) & (c) require that electronically prescribed medications shall be dispensed “within the course of legitimate professional practice,” be transmitted by “an authorized prescriber,” and be dispensed with the “pharmacist’s professional judgment regarding accuracy, validity, and authenticity of the prescription drug order communicated by way of electronic transmission . . .”

59. K.S.A. 65-1627(c) authorizes the Board to:

temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee’s continuation in practice would constitute an imminent danger to the public health and safety.

*Id.*

**ii. Unprofessional Conduct or Professional Incompetency in Altering Records**

60. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct for allowing pharmacy records describing the medical condition of the patient to be altered or hidden at the direction of Ms. Poindexter, a non-pharmacist.

61. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are required by law to be in charge of the pharmacy. The conduct of pharmacy technicians under their charge is attributable to them.

62. In the alternative to a finding of unprofessional conduct, the conduct of Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. in allowing the pharmacy records to be altered or hidden constitutes professional incompetency.

63. The conduct of Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. violated the pharmacy act and prompts discipline of the pharmacists pursuant to K.S.A. 65-1627(c).

64. The alteration of patient records or their concealment from regulators jeopardizes the health, safety, and welfare of the public and requires the immediate suspension of the pharmacists.

**iii. Unprofessional Conduct or Professional Incompetency Likely to Cause Harm.**

65. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct by allowing Rosie Grow to perform functions under their charge without the training and registration of a pharmacy technician.

66. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct by allowing Jolane Poindexter to prepare labels at a location other than under their direct control and supervision.

67. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct by processing the volume of prescriptions that were dispensed from Hogan's.

68. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct in dispensing prescriptions from prescribers that were not authorized or that were not prescribed within the "course of legitimate professional practice" pursuant to K.A.R. 68-2-22.

69. The following acts, independently and cumulatively, constitute

unprofessional conduct likely to cause harm:

- a) Allowing personnel to perform functions without proper training and registration;
- b) Allowing a pharmacy technician to prepare labels for prescriptions at a location other the pharmacy without the direct control and supervision of a pharmacist;
- c) Dispensing a high volume of prescriptions so as not to allow sufficient time for verification and accuracy;
- d) Dispensing prescriptions from an unauthorized prescriber who is not acting within the course of legitimate professional practice.

70. In the alternative, the conduct described in the preceding paragraph constitutes professional incompetency.

71. The conduct of Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. violated the pharmacy act, or regulations promulgated thereunder, and prompts discipline of the pharmacists pursuant to K.S.A. 65-1627(c).

72. The continued practice of the pharmacists is likely to cause harm and requires their immediate suspension.

**iv. Unprofessional Conduct or Professional Incompetency That Exploits Persons With Drug Seeking or Addictive Behaviors.**

73. Laurence Leamer, R.Ph. and Rick Kloxin, R.Ph. are guilty of unprofessional conduct by exploiting persons that may have drug seeking or addictive behaviors. The questionnaires completed by patients before Hogan's dispenses medication ask: "Is your Personal Healthcare Practitioner aware that you are requesting this medication?" The questionnaires also ask: "Have you been prescribed this

medication before?" The questionnaires fail to ask why the "Personal Healthcare Practitioner" is not the one prescribing the medication. The patients answered "yes" to the question about their "Personal Healthcare Practitioner's" awareness of the request but do not explain why someone other than the "Personal Healthcare Practitioner" is requesting the medication. The questionnaires also fail to ask under what circumstances and when the medication was previously taken. The pharmacists could not physically review the prescriptions properly and exercise the required professional judgment to verify the accuracy of the prescriptions.

74. The complaint from Colorado and the complaint from the widow in Kansas were from family members of people who were addicted to the medication they easily obtained from Hogan's. In both instances, a prescriber in the course of legitimate professional practice had refused to write a prescription as requested.

75. In the alternative to unprofessional conduct, Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. were professionally incompetent in dispensing prescriptions to people with drug seeking or drug addictive behaviors.

76. The unprofessional or incompetent conduct of Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph. violated the pharmacy act, or regulations promulgated thereunder, and prompts discipline of the pharmacists pursuant to K.S.A. 65-1627(c).

77. The continued exploitation of persons with drug seeking or addictive behaviors jeopardizes the public, health, and welfare and requires the immediate suspension of the pharmacists.

#### **B. Failure to Verify Patient Medication Records**

78. K.A.R 68-2-20(a)(9) provides that a pharmacist shall "interpret and verify patient medication records and perform drug regimen reviews." *Id.* (emphasis added).

79. K.S.A. 65-1627(a)(8) provides for discipline of any licensee who violates any provision of the pharmacy act or any rule and regulation adopted by the board pursuant to the pharmacy act.

80. The questionnaires from internet customers limit the source of information received by the pharmacy to information from patients.

81. The pharmacists at Hogan's failed to conduct any independent verification of patients' medication records.

82. If the Colorado patient and the deceased Kansas man's medication records had been verified by Laurence B. Leamer, R.Ph. or Rick Kloxin, R.Ph. pursuant to K.S.A. 68-2-20(a)(9), the pharmacists would have learned that the patients had been refused the medication dispensed by Hogan's.

83. The failure of Laurence B. Leamer, R.Ph. or Rick Kloxin, R.Ph. to verify medication records for their internet customers violated the pharmacy act, or regulations promulgated thereunder, and prompts discipline pursuant to K.S.A. 65-1627(a)(8). K.S.A. 65-1627(c) authorizes the immediate discipline of the pharmacists.

### **C. Failure to Offer to Counsel Patients Verbally**

84. K.A.R. 68-2-20(a)(5) requires a pharmacist to offer personally to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills in accordance with subsection (b). Subsection (b)(1) reiterates the requirement.

85. A new prescription means a prescription new to the pharmacy dispensing it, regardless of whether the patient received the same medication from another pharmacy.

86. K.A.R. 68-2-20(b)(2) requires that counseling be verbal or by the utilization of a telephone service available to the patient.

87. Laurence B. Leamer, R.Ph. and Rick Kloxin, R.Ph failed to offer to counsel any of the internet customers of Hogan's pharmacy and therefore violated K.A.R. 68-2-20(b)(2).

88. The failure of Laurence B. Leamer, R.Ph. or Rick Kloxin, R.Ph. to counsel any of Hogan's internet customers pursuant to K.A.R. 68-2-20 violated regulations promulgated under the pharmacy act and prompts discipline of the pharmacy pursuant to K.S.A. 65-1627(a)(8). K.S.A. 65-1627(c) authorizes the immediate discipline of the pharmacists.

**D. Violations of the Electronic Prescription Transmission Requirements Mandating that Prescriptions Be Dispensed in the Course of Legitimate Professional Practice and From Authorized Prescribers.**

89. K.A.R. 68-2-22(a) allows for electronic prescription transmissions but requires that the prescriber act within the course of "legitimate professional practice."

90. K.A.R. 68-2-22(b)(3) requires that each prescription drug order communicated by electronic transmission be transmitted by an "authorized prescriber."

91. Dr. Buckley's license was a limited license. Consequently, the prescriptions ordered by her did not meet the requirement of K.S.A. 68-2-22(a) and (b)(3).

92. Dispensing medications prescribed by Dr. Buckley to any of Hogan's internet customers violated K.A.R. 68-2-20 and prompts immediate discipline of the pharmacists pursuant to K.S.A. 65-1627(a)(8). K.S.A. 65-1627(c) authorizes the immediate discipline of the pharmacists.

**E. Prohibition Against Drop Shipping.**

93. K.A.R. 68-2-16 prohibits a pharmacy from drop shipping or shipping to a location where a prescription is held or retrieved later by the patient.

94. Hogan's drop shipped to Federal Express locations or to other locations in violation of K.A.R. 68-2-16.

95. Drop shipping medications to internet customers violated K.A.R. 68-2-16 and prompts discipline of the pharmacy pursuant to K.S.A. 65-1627(a)(8). K.S.A. 65-1627(c) authorizes the immediate discipline of the pharmacists.

**F. Failure to Label Repackaged Drugs.**

96. K.A.R. 68-7-16 requires that labels on repackaged drugs contain certain information.

97. The practice of placing tablets or pills in bottles without labels violates K.A.R. 68-7-16.

98. The pharmacists at Hogan's placed pills or tablets in bottles without labels in violation of K.A.R. 68-7-16.

99. The failure of Rick Kloxin, R.Ph. or Laurence B. Leamer, R.Ph. to label bottles of prescription medication violated K.A.R. 68-7-16 and prompts discipline of the pharmacist pursuant to K.S.A. 65-1627(a)(8). K.S.A. 65-1627(c) authorizes the immediate discipline.

For the foregoing reasons and for reasons to be identified at any hearing requested in this matter, **LAURENCE B. LEAMER, R.PH.** is ordered as follows:

1. To Cease and Desist from the practice of a pharmacist;
2. To Cease and Desist from dispensing medications pursuant to any prescription or order received from any source via the internet;

3. To Cease and Desist from shipping any and all medications to any customer or patient anywhere;

4. To Cease and Desist from dispensing medications of any kind to any person or location.

5. The license of Laurence B. Leamer, R.Ph is hereby suspended.

IT IS SO ORDERED ON THIS 10<sup>TH</sup> DAY OF MARCH, 2008.

  
Dr. Shirley Arck,  
Investigative Board Member

**Right to a Hearing**

You have a right to request a hearing before the Board. If you desire a hearing, you must request the hearing in writing and direct your request to:

Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy  
900 SW Jackson, Suite 560  
Topeka, KS 66612-1231

You are also asked to send a copy to the attorney for the Board as follows:

Derenda J. Mitchell, Assistant Attorney General,  
Supreme Court Number 11690  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor,  
Topeka, Kansas 66612-1597.


Your written request for a hearing must be made within 15 days of the date of this order.

If a hearing is not requested in the time and manner provided by law, this Order becomes final. Any appeal rights you may have had may be deemed waived for failure to exhaust administrative remedies.

**CERTIFICATE OF SERVICE**

This certifies that on the 12 day of March 2008, a true and correct copy of the above and foregoing was personally served by hand-delivery to:

Laurence B. Leamer, R.Ph.  
Hogan's Pharmacy  
120 W. Commercial,  
Lyons, Kansas 67554

  
Dawn Fox



BEFORE THE STATE BOARD OF PHARMACY

STATE OF COLORADO

Case No. 2008-0301

**CEASE AND DESIST ORDER**

IN THE MATTER OF THE UNAUTHORIZED AND UNLAWFUL DISPENSING AND DELIVERY OF PRESCRIPTIONS TO COLORADO RESIDENTS BY HOGAN'S PHARMACY,

Respondent,

On September 20, 2007, during a regularly-scheduled meeting of the State Board of Pharmacy ("Board"), the Board considered documentation including, but not limited to, the written complaint dated August 3, 2007, in the above-captioned matter.

Based upon the Board's review and consideration, the Board hereby finds that it has jurisdiction over Respondent and the subject matter herein, and that there exists credible evidence that Respondent has acted without the required registration, in violation of §§12-22-130, C.R.S.

The Board finds as follows:

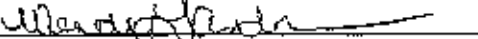
1. Respondent is not (and never has been) registered as a nonresident prescription drug outlet in the State of Colorado.
2. On January 15, 2007, Respondent dispensed and delivered prescriptions to consumers whom reside in the State of Colorado.
3. Respondent's conduct constitutes a violation of §§12-22-130, C.R.S.
4. WHEREFORE, pursuant to §12-22-125.2(9), C.R.S., the Board hereby ORDERS that Respondent immediately CEASE AND DESIST in the dispensing and delivery of prescription drugs and controlled substances to residents of the State of Colorado without a registration granted by the Colorado State Board of Pharmacy, in violation of §§12-22-130, C.R.S.

Within ten days after service of this order to cease and desist, Respondent may request a hearing on whether such acts or practices in violation of Part 1 of Article 22 of Title 12, C.R.S. have occurred. Such hearing shall be conducted pursuant to §§ 24-4-104 and 24-4-105, C.R.S.

The Board authorized the undersigned representative to sign this Cease and Desist Order on its behalf.

DATED this 25<sup>th</sup> day of September 2007.

STATE BOARD OF PHARMACY

BY:   
Wendy Anderson  
Program Director  
1560 Broadway, Suite 1350  
Denver, Colorado 80202

CERTIFICATE OF MAILING

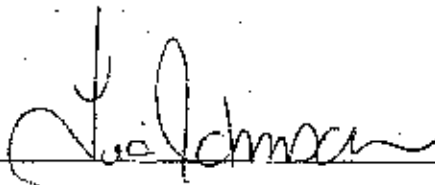
This is to certify that I have duly served the within CEASE AND DESIST ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 25<sup>th</sup> day of September 2007, addressed as follows:

Hogan's Pharmacy  
120 W. Commercial  
Lyons, KS 57554

Jeffrey A. Brimer, Esq.  
1200 17<sup>th</sup> Street, Ste 1900  
Denver, CO 80202

VIA INTERDEPARTMENTAL MAIL

Joanna L. Kaye  
Assistant Attorney General  
1525 Sherman St., 5<sup>th</sup> Floor  
Denver, CO 80203



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Nov. 15. 2007 11:32AM

No. 4430 P. 1



REGIONAL FORENSIC SCIENCE CENTER  
SEDGWICK COUNTY, KANSAS

TIMOTHY H. ROHRIG, PH.D. --- DIRECTOR  
JAMES L. OEBERST, M.D. --- DISTRICT CORONER-CHIEF MEDICAL EXAMINER  
SHARI L. BECK --- FORENSIC ADMINISTRATOR/CHIEF MEDICAL INVESTIGATOR

07MV 529

EXTERNAL EXAMINATION REPORT

FILED

APP DOCKET NO. 72  
NOV 16 A 9 47  
RECEIVED  
REGIONAL FORENSIC SCIENCE CENTER  
SEDGWICK COUNTY, KS

CASE: 18-07-2044

DECEDENT: Taylor, Tracy R.

DATE: 08-28-07

ADDRESS: 533 W. 5<sup>th</sup> Street, Valley Center, KS 67147

TIME: 1600 Hours

38 - year - old white male

PERSONS PRESENT AT EXTERNAL EXAMINATION:

Forensic Assistants: Patty Bird

PATHOLOGIC DIAGNOSES

- I. Mixed drug intoxication
  - A. See Toxicology Report
  - B. Status post cardiopulmonary arrest with resuscitation
  - C. Anoxic/ischemic encephalopathy, clinical
- II. History of alcoholism and drug abuse

CAUSE OF DEATH: Mixed drug intoxication

MANNER: Accident

*James L. Oberst, MD*

James L. Oberst, M.D.  
District Coroner-Chief Medical Examiner

11-15-07


Date signed

PDC300-800-831-888

EXHIBIT

3

ORDER ID: 469388 DATE: 2007-01-07 12:55:20 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY


User ID:	Full name:	
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablets every six hours as needed for pain. Maximum 8 tablets per day DAW (Dispense as Written).
Plattsmouth Nebraska 68048 United States	United States	
		SIGNED: 2007-01-07 16:16:45

PRODUCT ID: 2665 PRODUCT: Tramadol 50 mg - 180 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1973 (Age: 33)
Your Height:	5' 7"
Your Weight:	170
Your Sex:	Male
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	My lower back and knees took a pounding when playing high school and some college football. My lower back pain is the main problem, making it difficult to even get out of bed.
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No
Please let us know whether you are currently taking any opioid medications such as Tylenol #3, Percocet, Vicodin, Oxycontin or suffering from a seizure disorder or convulsions:	None
If you have a history of narcotic or opioid use please indicate the last time you took a narcotic or opioid:	None



ORDER ID: 469735 DATE: 2007-01-08 09:07:19 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID: Full name:		
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one tablet four times daily DAW (Dispense as Written).
United States	hold at fedx 5255 falcon drive salisbury Maryland 21804 United States	
		SIGNED: 2007-01-08 09:16:12

PRODUCT ID: 2560 PRODUCT: Soma (Watson brand) 350 mg - 90 Tabs  
 QTY: 1

Shipping type: FedEx Next Day Delivery


Date of Birth:	1955-01-18 (Age: 51)
Your Height:	5'10
Your Weight:	140
Your Sex:	Female
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	I have a herniated C5 disc which is in the neck with bone spurs.
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No

User ID: Order ID: 469735  
 Rx: 106191 RPh: ck  
 Orig Date: 01-08-2007 Fill Date: 01-08-2007

DOB: 01-18-1955

Dr: Buckley DEA:  
 333 Pike Road, Sackets Harb, NY, 13685  
 TEL: 315-788-2003  
 Car: ropredol 350 mg WATSON  
 Quantity: 90 Mfg: WATSON  
 NDC 00091541210  
 TAKE ONE TABLET FOUR TIMES DAILY

ORDER ID: 469617 DATE: 2007-01-08 00:00:41 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

Usur ID:	Full name:	
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablet every 4 hours as needed for headache maximum 12 tablets in 24 hours DAW (Dispense as Written).
United States	5560 Houston Avenue HOLD at FEDEX Station Macon Georgia 31206 United States	
		SIGNED: 2007-01-08 05:41:21

PRODUCT ID: 1805 PRODUCT: Fioricet 40 mg - 90 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

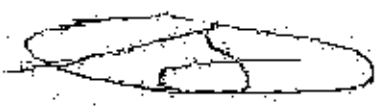
Date of Birth:	1957-11-25 (Age: 49)
Your Height:	5'11"
Your Weight:	190
Your Sex:	Male
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	TENSION HEADACHES with NECK PAIN & MIGRAINES SOMETIMES. I am a Program Mgr/Engineer & use the computer ALL day at work. I have ordered this medication from you before with good results for my headaches.
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	Centrum vitamins daily
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No

Usur ID: Order ID: 469617  
 Rx: 140955 RPO: rk  
 Orig Date: 01-08-2007 Fill Date: 01-09-2007

DOB: 11-25-1957

Dr: Buckley DEA:  
 333 Pike Road, Sackets Harb, NY, 13685  
 TEL: 315-788-2003  
 Fioricet 50/325/40  
 Quantity: 90 Sig: qd  
 NDC: 0270465705

ORDER ID: 469072 DATE: 2007-01-06 09:09:27 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID: Full name:		NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one tablet four times daily DAW (Dispense as Written).  SIGNED: 2007-01-06 12:06:11
BILLING ADDRESS:	SHIPPING ADDRESS:	
United States	3371 East Francis St. HOLD FOR PICKUP @ FEDEX Ontario California 91733 United States	

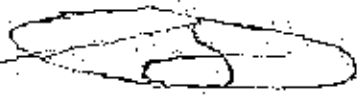
PRODUCT ID: 2560 PRODUCT: Soma (Watson brand) 350 mg - 90 Tabs  
 QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1957-06-06 (Age: 49)
Your Height:	5'5
Your Weight:	135
Your Sex:	Female
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	severe back & neck spasms/ pain
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	premarin, synthroid
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	Yes

User ID: Order ID: 469072  
 Ex: 163054 RPO: tk  
 Org Date: 01-06-2007 Fill Date: 01-09-2007  
 ICB: 06-25-1957

Dr: Buckley DEA:  
 333 Pike Road, Sackets Harb, NY, 13685  
 Tel: 315-788-2003  
 Carisoprodol 350 mg Watson  
 Qty: 90  
 NDC 50581551513 Mfg: Watson  
 TAKE ONE TABLET FOUR TIMES DAILY  
 drug expires 07/08

ORDER ID: 469696 DATE: 2007-01-08 07:51:05 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID: Full name:		NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablet every 4 hours as needed for headache maximum 12 tablet in 24 hours DAW (Dispense as Written).
BILLING ADDRESS:	SHIPPING ADDRESS:	
United States	New York Ave. Framingham Massachusetts 01702 United States	 SIGNED: 2007-01-08 08:22:47

PRODUCT ID: 1800 PRODUCT: Fioricet 40 mg - 60 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1958-09-02 (Age: 48)
Your Height:	5'5
Your Weight:	135
Your Sex:	Female
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	migraines and tension headaches
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No

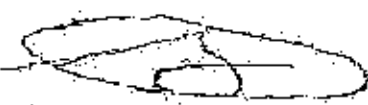
User ID: Order ID: 469696  
 Pcr: 145935 R20: rk  
 Orig Date: 01-08-2007 F211 Date: 01-08-2007

DOB: 09-02-1958

Dr: Buckley  
 333 Pike Road, Sackets Harbor, NY, 13685  
 TEL: 315-788-2003  
 Fioricet 60/375/40  
 Quantity: 60  
 NDC 25234095705 NPS: Watson

TAKE ONE TO TWO TABLET EVERY 4 HOURS AS NEEDED FOR HEADACHE. MAXIMUM 12 TABLET IN 24 HOURS. Drug

ORDER ID: 468234 DATE: 2007-01-04 12:43:43 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID: Full name:		NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablets every six hours as needed for pain. Maximum 8 tablets per day. DAW (Dispense as Written). 
BILLING ADDRESS:	SHIPPING ADDRESS:	
United States	Please mail at local Fed Ex for Maplewood, NJ Maplewood New Jersey 07040 United States	SIGNED: 2007-01-04 13:12:24

PRODUCT ID: 2655 PRODUCT: Tramadol 50 mg - 30 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

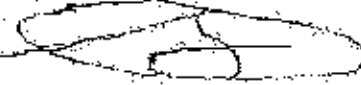
Date of Birth:	1958-08-31 (Age: 48)
Your Height:	5' 10"
Your Weight:	175
Your Sex:	Female
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	I have back pain from a herniated disc; tramadol has been effective before.
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No
Please let us know whether you are currently taking any opioid medications such as Tylenol #3, Percocet, Vicodin, Oxycotin or suffering from a seizure disorder or convulsions:	None
If you have a history of narcotic or opioid use please indicate the last time you took a narcotic or opioid:	None

180-10/27

User ID: Order ID: 468234  
 Fax: 165261 RPh: rk  
 Orig Date: 01-04-2007 Bill Date: 01-14-2007  
 PCB: 08-31-1958

Dr: Buckley DPA:  
 333 Pike Road, Sackets Harbor, NY, 13655  
 TEL: 315-788-2003  
 Tramadol 50 mg  
 Quantity: 30  
 NDC 0516217211

ORDER ID: 467179 DATE: 2007-01-03 06:39:41 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID:	Full name:	
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablets every six hours as needed for pain. Maximum 8 tablets per day DAW (Dispense as Written).
	hold@fedex 6028 Blazing Star Drive Fort Worth Texas 76179 United States	
		SIGNED: 2007-01-03 10:02:10


PRODUCT ID: 2665 PRODUCT: Tramadol 50 mg - 180 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1974-10-15 (Age: 32)
Your Height:	5'11
Your Weight:	190
Your Sex:	Male
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	Chronic right ankle and lower back pain.
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	None
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No
Please let us know whether you are currently taking any opioid medications such as Tylenol #3, Percocet, Vicodin, Oxycotin or suffering from a seizure disorder or convulsions:	None
If you have a history of narcotic or opioid use please indicate the last time you took a narcotic or opioid:	None

Case #: 164278      Order ID: 467179  
 Rx: 164278      RPA: LK  
 Orig Date: 01-03-2007      Fill Date: 01-03-2007  
 DOB: 10-15-1974

Dr: Buckley      DDL:  
 333 Pike Road, Sackets Harbor, NY, 13685  
 TEL: 315-788-2303  
 Tramadol 50 mg  
 Quantity: 180

ORDER ID: 470335 DATE: 2007-01-09 00:24:53 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID:	Full name:	
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablets every six hours as needed for pain. Maximum 8 tablets per day DAW (Dispense as Written).
United States	12600 prarie avenue (FedEx location) hawthorne California 92250 United States	
		SIGNED: 2007-01-09 07:21:57


PRODUCT ID: 2665 PRODUCT: Tramadol 50 mg - 180 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1969-08-12 (Age: 37)
Your Height:	5f 9i
Your Weight:	190
Your Sex:	Male
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	back and neck arthritis
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	penicilin
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	father - high blood pressure
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No
Please let us know whether you are currently taking any opioid medications such as Tylenol #3, Percocet, Vicodin, Oxycontin or suffering from a seizure disorder or convulsions:	None
If you have a history of narcotic or opioid use please indicate the date you last took a narcotic or opioid:	e

Order ID: 470335  
 Rx: 156803 RFA: JN  
 Orig Date: 01-05-2007 Bill Date: 01-09-2007  
 DOB: 09-12-1969

Dr. Buckley  
 333 Pike Road, Sackets Harbor, NY, 13685  
 TEL: 315-789-2065  
 Tramadol 50 mg  
 Quantity: 180  
 NDC: 00518217211

ORDER ID: 471318 DATE: 2007-01-10 13:24:51 STATUS: A  
 Dr. Joyce W. Buckley 333 Pike Road, Sackets Harbor, 13685 NY

User ID:	Full name:	
BILLING ADDRESS:	SHIPPING ADDRESS:	NOTES: This prescription will be dispensed generically unless doctor writes DAW. Take one to two tablets every six hours as needed for pain. Maximum 8 tablets per day DAW (Dispense as Written).
United States	Fed Ex Hold 1000 Bristol Street North Newport Beach California 92650 United States	
		SIGNED: 2007-01-10 13:27:52

PRODUCT ID: 2665 PRODUCT: Tramadol 50 mg - 180 Tabs QTY: 1  
 Shipping type: FedEx Next Day Delivery

Date of Birth:	1971-10-12 (Age: 35)
Your Height:	5 7
Your Weight:	155
Your Sex:	Female
Is your Personal Healthcare Practitioner aware that you are requesting this medication?	Yes
Have you been prescribed this medication before?	Yes
Have you had a physical exam in the last 12 months?	Yes
Please state the medical condition requiring you to use this medication IMPORTANT: your order will not be approved unless this question is answered fully:	I suffer from severe lower back pain from fibromyalgia and sciatica
Do you suffer from any seasonal allergies?	No
Please list in detail any allergies you have to medicines:	Erythromycin
Are you currently under treatment for any health problems?	No
Are you suffering from high blood pressure?	No
Are you currently taking any prescription or non-prescription medicines:	None
Please list anything in your medical history that you think might be relevant:	None
Please list any significant family medical history:	None
Are you currently pregnant or have you been nursing within the past 12 months?	No
Will you be taking other medications while taking this medicine?	No
Please let us know whether you are currently taking any opioid medications such as Tylenol #3, Percocet, Vicodin, Oxycontin or suffering from a seizure disorder or convulsions:	None
If you have a history of narcotic or opioid use please indicate the last time you took a narcotic or opioid:	None

180-11/20

User ID: Order ID: 471318  
 Rx: 157272 RPA: rk  
 Qty Date: 01-10-2007 Fill Date: 01-10-2007  
 MO: 10-12-1971

Dr: Buckley DPA:  
 333 Pike Road, Sackets Harbor, NY, 13685  
 Tel: 315-788-2037  
 Tramadol 50 mg