

Received

SEP 12 2006

KANSAS STATE BOARD OF PHARMACY

CONSENT AGREEMENT

THIS CONSENT AGREEMENT is entered into this 12 day of September, 2006 by and between Wilbur D. Hilst (the "Owner"), Red Mesa Pharmacy ("Red Mesa"), and the Kansas Board of Pharmacy (the "Board").

WITNESSETH:

WHEREAS, Wilbur D. Hilst is the Owner of Red Mesa Pharmacy, 8921 W. 21st Street, Suite 101, Wichita, Kansas 67212 ("Red Mesa"), Kansas registration number 2-10025; and

WHEREAS, the Board is the state agency empowered to enforce the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, including the use of disciplinary actions to suspend or revoke the registration of pharmacies that violate the Act; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that the Owner obtained the registration to operate Red Mesa as a result of fraud and misrepresentation, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa operated without a Pharmacist in Charge, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa operated without a licensed pharmacist present, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa operated without maintaining inventories and records of controlled substances separately from all other records, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa operated without maintaining a medication profile record system, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa transmitted prescription drug orders by way of electronic transmission without the identifying information of the transmitter or the pharmacy intended to receive the transmission, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa operated a pharmacy without a reference library, either immediately accessed by a computer or printed, which would constitute probable cause to believe there is a basis for the Board to take disciplinary action against the registration issued for Red Mesa; and

WHEREAS, the Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Red Mesa permitted an individual to