

BEFORE THE KANSAS PHARMACY BOARD

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KANSAS STATE Board of Pharmacy

In the Matter of )  
Walgreens Pharmacy #5770 )  
3150 S. Seneca, Wichita, KS )  
Kansas Registration No. 2-9498 )

Case No. 06-08

**STIPULATION AND FINAL AGENCY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Walgreens Pharmacy #5770, 3150 S. Seneca, Wichita, Kansas 67217 (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, Cary PETERS - Walgreen Co.

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 2-9498. 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 that it permitted pharmacy technicians to function in the prescription area without being registered with the Board, in violation of K.S.A. 65-1663(a). Respondent further hereby agrees not to contest in this or any other proceeding before or initiated by the Board that it operated a pharmacy for a period in excess of 30 days without a pharmacist in charge in violation of K.A.R. 68-1-2a(b).

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).

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 requiring that, 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) for its use of unregistered persons as pharmacy technicians. Respondent further hereby agrees and consents to the Board's entry of an order requiring that, 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 One Thousand Four Hundred and Sixty dollars (\$1,460.00) for operating a pharmacy for a period in excess of 30 days without a pharmacist in charge.