

BEFORE THE STATE BOARD OF PHARMACY

STATE OF COLORADO

Case No. 2005-2965

**EXPEDITED SETTLEMENT
STIPULATION AND FINAL AGENCY ORDER**

**IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE PRESCRIPTION
DRUG OUTLET REGISTRATION OF KAISER PERMANENTE SOUTHWEST PHARMACY,
REGISTRATION NO. 79-30,**

RESPONDENT.

IT IS HEREBY STIPULATED by and between the State Board of Pharmacy ("Board") and Kaiser Permanente Southwest Pharmacy ("Respondent"), to resolve all matters pertaining to Colorado State Board of Pharmacy Case Number 2005-2965 as follows:

1. The Board has jurisdiction over the Respondent, its registration as a prescription drug outlet ("pharmacy"), and the subject matter of this Stipulation and Final Agency Order pursuant to the provisions of title 12, article 22, C.R.S. (2004), otherwise known as the Pharmaceuticals and Pharmacists Act.
2. Respondent has been registered as a prescription drug outlet in the State of Colorado at all times relevant to this disciplinary action.
3. Respondent does not contest these findings and hereby waives any further proof in this proceeding before the Board regarding the following facts.
4. Respondent's address or record with the Board and current location is 5257 South Wadsworth Blvd. Littleton, CO 80123.
5. On September 28, 2004, Respondent's pharmacist manager of record terminated employment.
6. Pursuant to Board laws and regulations, Respondent's application to change the pharmacist manager of record was due no later than October 12, 2004.
7. The Board did not receive an application to change Respondent's pharmacist manager until January 7, 2005.
8. At its regularly scheduled meeting on May 12, 2005, the Board considered the Respondent's response to the complaint and found reasonable grounds for discipline based on violations of C.R.S. §12-22-119(1)(a) and (b), which require a prescription drug outlet to be under the direct charge of a pharmacist manager, and that application for a change in pharmacist manager be reported within fourteen days after termination of the former pharmacist manager's employment.
9. Moreover, §12-22-125(c)(I), (II), and (III) and (k), provide that the Board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it upon proof that the licensee or registrant has violated the lawful rules of the board or any state or federal law pertaining to drugs or has committed an act or omission that falls below the generally accepted standards of the practice of pharmacy.

10. Respondent admits that the conduct described above constitutes a violation of regulations §§12-22-119(1)(a) and (b) and 12-22-125(1)(k), and that such conduct provides grounds for disciplinary action against Respondent's prescription drug outlet registration.

DISPOSITION
\$500.00 Dollar Fine

11. The Respondent accepts the following discipline: Respondent shall remit a fine of \$500.00, payable to the State of Colorado. Such fine shall be due and payable at the time this Stipulation and Final Agency Order is executed by the Board's Program Director.

12. Advisements and Waivers. Respondent enters into this Stipulation and Final Agency Order freely and voluntarily, after the opportunity to consult with legal counsel of its own choosing. Respondent acknowledges his understanding that he has the following rights:

- a. To have formal notice of hearing and charges served upon it;
- b. To respond to said formal notice of charges;
- c. To have a formal disciplinary hearing pursuant to CRS 12-22-125, C.R.S. (2004); and
- d. To appeal this Board order.

Respondent freely waives these rights, and acknowledges that such waiver is made voluntarily in consideration for Board's limiting the action taken against him to the sanctions imposed herein. Respondent waives any right to appeal or contest this Stipulation and Final Agency Order.

13. Acknowledgments. A representative of the Respondent has read this Stipulation and Final Agency Order in its entirety and acknowledges, after having the opportunity to consult with legal counsel, that it understands its legal consequences and it agrees that none of its terms or conditions are unconscionable.

14. Violations. It is the responsibility of Respondent to take all appropriate steps to comply fully with this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final agency Order may constitute a willful violation of a lawful Board order and may be sufficient grounds for disciplinary proceedings regarding its registration.

15. Integration and Severability. Upon execution by all parties, this Stipulation and Final Agency Order shall represent the entire and final agreement of and between the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of law, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

16. Public Record. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record, maintained in the custody of the Board.

17. Effective Date. This Stipulation and Final agency Order shall become effective upon signature of a Board member or representative.

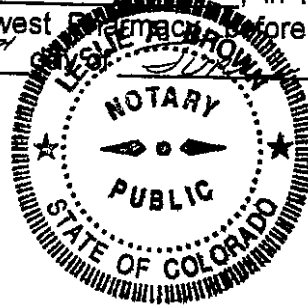
ACCEPTED AND AGREED BY
Respondent

Juanita Dickhoff
Kaiser Permanente Southwest Pharmacy
5257 S. Wadsworth Blvd.
Littleton, CO 80123

Dated: 6-10-05

Subscribed and sworn to by Juanita Dickhoff, in his/her capacity as an
authorized agent of Kaiser Permanente Southwest Pharmacy, before me in the County of
Denver, State of Colorado, this 10th day of June, 2005.

John P. Brown
Notary Public



My commission expires: 9/14/2006

FINAL AGENCY ORDER

WHEREFORE, the within Stipulation and Final Agency Order is approved, accepted, and hereby made an order of the Board.

DONE AND EFFECTIVE THIS 17th DAY OF June, 2005.

State Board of Pharmacy

BY: Susan R. Warren

TITLE: Program Director