

BEFORE THE STATE BOARD OF PHARMACY

STATE OF COLORADO

Case No. 2007-002440

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE PRESCRIPTION DRUG OUTLET REGISTRATION OF WALGREEN PHARMACY #2857, REGISTRATION NO. 70-45,

RESPONDENT.

IT IS HEREBY STIPULATED by and between the State Board of Pharmacy ("Board") and Walgreen's Pharmacy ("Respondent"), to resolve all matters pertaining to Colorado State Board of Pharmacy Case Number 2007-002440 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. (2006), 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 of record with the Board and current location is 2727 S. Parker Road, Aurora Colorado 80014.
5. Respondent failed to file a timely application and fee regarding the change in pharmacist managers. The Board received the application and fee approximately 334 days after the previous pharmacy manager had resigned.
6. At its regularly scheduled meeting on May 17, 2007, the Board found reasonable grounds for discipline based on violations of section 12-22-119(1)(a) and (b) and section 12-22-125(1)(c)(I)(II)(III), C.R.S. Section 12-22-125(1)(k), C.R.S. provides that the Board may suspend, revoke, reuse to renew, or otherwise discipline any license or registration issued by it, upon proof that the licensee or registrant has failed to meet generally accepted standards of pharmacy practice.
7. Respondent does not contest that the conduct described above constitutes a violation of §§12-22-119(1)(a) and (b) and 12-22-125(1)(c)(I)(II)(III), C.R.S. and that such conduct provides grounds for disciplinary action against Respondent's prescription drug outlet registration.

*OK # 2857
06/20/07 DP*

DISPOSITION
\$2,000.00 Fine

8. The Respondent accepts the following discipline: Respondent shall remit a fine of \$2,000.00, 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.

9. Advisements and Waivers. Respondent enters into this Stipulation and Final Agency Order freely and voluntarily, after the opportunity to consult with legal counsel of his 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. (2006);
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.

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

11. Violations. Time is of the essence to this Final Agency Order. It is the responsibility of Respondent to take all appropriate steps to comply fully with this Final Agency Order. Respondent acknowledges and agrees that any violation of this Final Agency Order may be sanctioned as provided under §12-22-125.2(4), C.R.S., and may be sufficient grounds for additional discipline, including but not limited to revocation of its registration. The pendency of any suspension or disciplinary action arising out of an alleged violation of this Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Final Agency Order.

12. 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.

13. 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.

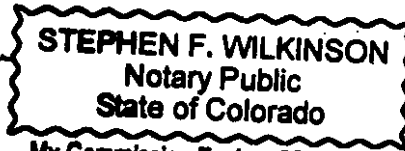
14. Effective Date. This Stipulation and Final agency Order shall become effective upon signature of a Board member or representative.

**ACCEPTED AND AGREED BY
Respondent**

Huyen Tran, Pharm.D Dated: 06/14/07
Walgreen's Pharmacy #2857

Subscribed and sworn to by HUYEN XUAN TRAN, in his/her capacity as an authorized agent of Walgreen's Pharmacy, before me in the County of Arapahoe, State of Colorado, this 14th day of June, 2007.

[Signature]
Notary Public



My commission expires:

5-25-2011
My Commission Expires 05/25/2011

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 20th DAY OF June, 2007.

State Board of Pharmacy

BY: Wendy Anderson

TITLE: Program Director

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within STIPULATION AND FINAL AGENCY ORDER upon all parties herein by depositing copies of same in the United States mail, postage prepaid, at Denver, Colorado this 20th day of June 2007, Addressed as follows:

Huyen Tran, RPH, Pharmacist Manager
Don Johnson, RPH, District Manager
Walgreen's Pharmacy #2857
2727 S. Parker Rd.
Aurora, Colorado 80014

[Signature: Don Johnson]