

BEFORE THE STATE BOARD OF PHARMACY
STATE OF COLORADO

Case No. 2008-001563

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE PRESCRIPTION
DRUG OUTLET REGISTRATION IN THE STATE OF COLORADO OF WALGREEN
PHARMACY #2857, REGISTRATION NO. PDO-70000045,

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the Colorado State Board of Pharmacy ("Board") and Walgreen Pharmacy, #2857, ("Respondent") to resolve all matters pertaining to Board Case Number 2008-001563, as follows:

FINDINGS AND CONCLUSIONS

1. The Board has jurisdiction over the Respondent, their registration as a prescription drug outlet and the subject matter of this Stipulation and Final Agency Order ("Final Agency Order") pursuant to the provisions of title 12, article 22, C.R.S., otherwise known as the Pharmaceuticals and Pharmacists Act.
2. Respondent has been registered in Colorado as a prescription drug outlet in the State of Colorado at all times relevant to this disciplinary action.
3. Respondent hereby admits that the following facts are true and waives any further proof in this or any other proceeding before or initiated by the Board in this case.
4. On or around November 29, 2007, the Board received a Change of Manager Application from Walgreen Pharmacy, #2857, detailing a change in pharmacist manager.
5. The November 29, 2007, Change of Manager Application stated that effective November 7, 2007, Daniel A. Scales, R.Ph. assumed the duties of pharmacist manager and Ahmed A. Mudey, R.Ph. ceased being pharmacist manager.
6. Consequently twenty-three (23) days elapsed between the time the listed pharmacist manager left his position and a Change of Manager Application was received by the Board.
7. Effective June 6, 2007, Respondent entered into a Stipulation and Final Agency Order with the Board due to a failure to timely filing an application detailing a change in pharmacist manager.

8. By virtue of the above-stated facts the Board finds that the Respondent violated sections of the Pharmacists and Pharmaceuticals Act and the State Board of Pharmacy Rules and Regulations which state in relevant part:

12-22-119. Prescription drug outlet under charge of pharmacist. (1)(a) A prescription drug outlet shall be under the direct charge of a pharmacist manager. A proprietor who is not a pharmacist shall comply with this requirement and shall provide a manager who is a pharmacist;

(b) The registration of any prescription drug outlet shall become void if the pharmacist manager in whose name the prescription drug outlet registration was issued ceases to be engaged as the manager, and the owner shall close the prescription drug outlet unless such owner has employed a pharmacist manager and, within fourteen days after termination of the former manager's employment, has made application to transfer the registration to the new pharmacist manager and has paid the transfer fee therefore.

12-22-125. Unprofessional conduct-grounds for discipline. (1) The board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it, after a hearing held in accordance with the provisions of this section, upon proof that the licensee or registrant:

(c) Has violated:

(I) Any of the provisions of this part 1, including but not limited to any acts in section 12-22-126;

(II) The lawful rules of the board; or

(III) Any state or federal law pertaining to drugs.

(k) Has failed to meet generally accepted standards of pharmacy practice.

9. Respondent's violations of the above-described rules and regulations provide grounds for disciplinary action against their registration as a prescription drug outlet in this state, pursuant to the Pharmaceuticals and Pharmacists Act and the Board Rules Regulations.

10. The Board further finds and concludes, and Respondent agrees, that based upon Respondent's above-described violations of the Pharmaceuticals and Pharmacists Act and Board Rules and Regulations, the following discipline is just and appropriate under the circumstances.

DISPOSITION

FINE

11. **Fine.** Respondent shall remit a fine of **five-hundred (\$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 Final Agency Order freely and voluntarily, after the opportunity to consult with legal counsel of their own choosing. Respondent acknowledges their understanding that he has the following rights:
 - a. To have formal notice of hearing and charges served upon them;
 - b. To respond to said formal notice of charges;
 - c. To have a formal disciplinary hearing pursuant to §§12-22-125 and 12-22-125.2(2)(a), C.R.S.; 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 them to the sanctions imposed herein. Respondent waives any right to appeal or contest this Final Agency Order.

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

14. **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 shall constitute a willful violation of a lawful Board 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 their license. 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.

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

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

17. **Effective Date.** This Final Agency Order shall become effective upon signature by a Board representative.

ACCEPTED AND AGREED BY

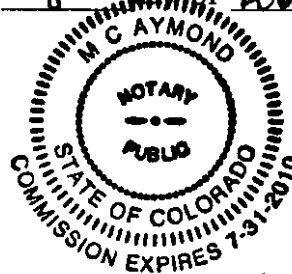
Respondent

Randy Knutson
Walgreen Pharmacy #2857

Dated: 2-8-08

Subscribed and sworn to by Randy Knutson before me in the County of Prophace, State of Colorado, this 8th day of February, 2008.

McAymond
Notary Public



My commission expires: 7/31/10

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 19th DAY OF March, 2008.

Colorado State Board of Pharmacy

Wendy Anderson
Wendy Anderson
Program Director