

5. Respondent hereby waives any further proof in this or any other proceeding before or initiated by the Board with respect to this matter, and upon motion duly made, seconded, and passed, the Board finds the following:

A. On February 5, 2026 at 9:23 a.m., Respondent received electronic prescription Rx #6833565-61500041 for Patient AD [DOB 05/11/2019] for amoxicillin 400mg/5ml, take 871mg (10.8775ml) by mouth twice a day for 7 days.

B. Respondent's Pharmacy Technician AMG (#14-111431) pulled and prepared the drug for pharmacist verification and Respondent's Pharmacist on Duty NT (#1-10282) performed all the DUR and verification steps. Respondent's procedure for a drug which must be reconstituted provides that the receipt and paperwork for the prescription be placed in the bag in the will-call area and the bottle of medication is placed on a shelf reserved for drugs needing reconstitution. The prescription for Patient AD [DOB 05/11/2019] was processed and placed for pickup at 12:54 p.m. on February 5, 2026.

C. At 3:37 p.m. on February 5, 2026, Patient AD's [DOB 05/11/2019] mother arrived to pick up the prescription from Respondent. Respondent's Clerk CC performed the sales transaction while Respondent's Pharmacy Technician AMG went to the reconstitution shelf and incorrectly retrieved a bottle of oseltamivir for a different patient with the same initials instead of the bottle of amoxicillin for Patient AD [DOB 05/11/2019]. Per Respondent's procedure, Respondent's Pharmacy Technician AMG reconstituted the medication, placed it in the bag with the paperwork and gave it to Patient AD's [DOB 05/11/2019] mother. Respondent's Pharmacy Technician AMG asked Patient AD's [DOB 05/11/2019] mother if she wanted to consult with the Pharmacist and the mother declined. Respondent's procedure did not include having a pharmacist

verify the drug in its final reconstituted form before providing the prescription to the patient's representative.

D. Respondent's Pharmacy Technician AMG performed the post-fill audit on Patient AD's [DOB 05/11/2019] prescription at 6:20 p.m. on February 5, 2026 and did not recognize the dispensing error.

E. On February 6, 2026, Respondent's Pharmacist-in-Charge ("PIC") CC (#1-101438) discovered the dispensing error when he noticed the oseltamivir was not on the reconstitution shelf when there was a prescription for it from January 28, 2026 which had not been picked up and the amoxicillin showing dispensed was still on the reconstitution shelf. Respondent's PIC CC contacted patient AD's [DOB 05/11/2019] mother, confirmed the dispensing error, requested return of the oseltamivir and prepared the amoxicillin prescription which was picked up at 10:33 a.m. on February 6, 2026.

F. Patient AD [DOB 05/11/2019] received two doses of the incorrect medication prior to Respondent's discovery and notification of the dispensing error and Patient AD experienced an adverse reaction to the drug which resulted in presentation to the emergency room.

G. Respondent's PIC CC instituted a new drug needing reconstitution procedure as part of a corrective action plan which included placing the drug for reconstitution in the bag with the receipt for each to be scanned at the point of sale to confirm the correct medication is dispensed. The corrective action plan did not include a step for Pharmacist verification of the final form of the reconstituted medication.

H. K.S.A. 65-1637(a) provides pharmacists shall exercise professional judgment regarding the accuracy, validity and authenticity of any prescription order and (g)

requires all prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber, both of which were violated by the above-described dispensing error.

I. K.A.R. 68-2-20(b) provides judgment functions that constitute the filling or refilling of a prescription shall be performed only by a pharmacist which shall include: (3) verification the compounding, counting, and measuring of ingredients and (4) personally offer to counsel each patient or the patient's agent with each new prescription dispensed, both of which were violated by the above-described dispensing error.

J. K.A.R. 68-2-20(c) provides the PIC shall prohibit all other pharmacy personnel from performing those judgment functions restricted to pharmacists and the judgmental function of final verification of the accuracy of a completed compound or prescription shall not be delegated, both of which were violated by the above-described dispensing error.

Upon motion duly made, seconded, and passed, the Board finds and concludes that the events described in paragraph 5 above constitute the operation of a Kansas pharmacy in a manner that violates the Act and the Regulations of the Board and are therefore grounds for disciplinary action against the Respondent's Kansas Registration pursuant to K.S.A. 65-1627(e)(1).

6. The Board finds, concludes, and orders that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent shall pay to the Board an administrative fine in the amount of One Thousand Dollars (\$1,000.00) within forty-five (45) days of the Board approving this Stipulation and Consent Order, subject to the possibility of a partial waiver as described in Section 6.B.

B. CORRECTIVE ACTION PLAN. Within thirty (30) days of the Board approving this Stipulation and Consent Order, Respondent shall provide the Board's Director of

Compliance with a Corrective Action Plan ("Plan") for review and approval which develops and implements a process improvement which: 1) requires final verification and product check by a Pharmacist after medication reconstitution is completed pursuant to K.A.R. 68-2-20(b)(3) and (c); and 2) requires Pharmacists to personally offer counseling pursuant to K.A.R. 68-2-20(b)(4). Upon approval of the implemented Plan, the Board will waive half or Five Hundred Dollars (\$500.00) of the Administrative Fine assessed in Section 6.A. above.

C. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order it must, and the Board further orders the Respondent to:

- i. Comply fully with this Stipulation and Consent Order; and
- ii. In all applicable respects, comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to pharmacies.

7. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and or its attorney regarding the investigation which lead to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order and the Final Order provided for herein, with or without the presence of the Respondent or its attorney. In the event that this Stipulation and Consent Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to

seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

8. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved by the Board and the Consent Order provided for herein is entered by the Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either the Board or the Respondent. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Respondent further agrees, for purposes of this matter, that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

10. This Stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

11. The Respondent acknowledges that it has the following rights:

- A. To have formal notice of charges served upon it;
- B. To file a response to the charges;
- C. To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- D. To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against it to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order provided for herein.

12. The Respondent acknowledges that it enters into this Stipulation and Consent Order freely and voluntarily after consultation with counsel of its choosing. The Respondent further acknowledges that it has read this Stipulation and Consent Agency order in its entirety, that it understands its legal consequences and that it agrees that none of its terms are unconscionable, arbitrary or capricious.

13. In accordance with K.S.A. 77-531(a)(3); Respondent consents to service via electronic mail at RXLICENSING@KROGER.COM. Service by electronic mail is complete upon transmission.

14. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against it. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

15. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction; it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

16. Upon approval and entry of the Final Order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

17. This Stipulation and Consent Order shall become effective on the day it is approved, accepted, and made an order of the Board by way of signature of the Board's authorized representative.

18. The Respondent acknowledges that it has been advised by the Board that it would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 27th day of April, 2026.

KANSAS BOARD OF PHARMACY

By: Tiffany Strohmeyer
TIFFANY STROHMEYER, PHARM.D.
President

AGREED AND APPROVED BY:

Dillons Pharmacy #41
1201 W. Crawford
Salina, KS 67401

By: Mick Rount 4-6-26
Division Health Leach Date

N/A _____
Respondent's Attorney's Name & Address Date

[Signature] _____
Andrew Truong, PharmD Date
Investigation Member

[Signature] _____
Brenda L. Head, #15657 Date
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
(785) 354-1100
bhead@fflawllp.com
Attorney for Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the business mail which is placed in the United States mail, postage prepaid, this 23rd day of April, 2026 addressed to:

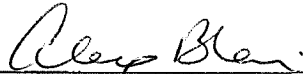
Dillons Pharmacy #41
1201 W. Crawford
Salina, KS 67401

and via email to:

Dillons Pharmacy #41
RXLICENSING@KROGER.COM

and

Brenda L. Head
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
bhead@fflawllp.com



Representative of the
KANSAS BOARD OF PHARMACY