

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

Plaintiff,

VS.

CYNTHIA AGUIAR-ANDREOZZI,
License No. ~~1-01744~~

1-11744

ORDER OF LICENSE REINSTATEMENT

This matter comes before the Board this 31 day of March, 1995, at 2:30 P.M. at the Clubhouse Inn Meeting Room, 515 S. Webb, Wichita, Kansas, on the Motion of Defendant for Licensure Reinstatement. The State Board of Pharmacy appears by Hoyt Kerr, President and Presiding Officer; Glen Mathis, Vice-President; Dana Creitz, Pharmacist; Monte Baugher, Pharmacist; Charlotte Brock, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Defendant, Cynthia Aguiar-Andreozzi appears in person. Also appearing on behalf of the CIPP Committee is Etta Williams, and as a friend of Cynthia Andreozzi is Ms. Shirley Keefer.

After hearing statements of Defendant, Cynthia Aguiar-Andreozzi, Etta Williams and Shirley Keefer, the Board finds that Defendant's license should be reinstated with certain restrictions and conditions.

IT IS THE ORDER of the Board as follows:

1. That Defendant's license be reinstated on the completion of 30 hours continuing education (30 Hours CE units) by July 1, 1995.

2. That Defendant be placed on probation for a period of Five (5) years.

3. That as a condition of the probation, Defendant renew her contract with the CIPP Committee for Five (5) years and cooperate with all requirements of said committee including but not limited to random drug screening, participation in and with support groups and attendance of any and all meetings with the CIPP program.

4. Defendant shall pay the costs herein as a condition of probation pursuant to K.S.A. 65-1627h. Failure to adhere to any of the requirements of probation may result in revocation of Defendant's license.

Pursuant to K.S.A. 77-526 the Defendant is advised of the following administrative remedies:

(A) The Defendant, Cynthia Aguiar-Andreozzi, may file a Petition for Reconsideration, Fifteen (15) days after the service of the Order of License Reinstatement on the Defendant by the Agency Head, K.S.A. 77-529.

(B) If no Petition for Review by a party or the President, Hoyt Kerr is filed, or a Petition for Reconsideration

is filed, the Order becomes effective Thirty (30) days after service on the Defendant, K.S.A. 77-530.

(C) The Defendant may submit to the Presiding Officer or Board President a Petition for the Presiding Officer for a stay, pursuant to K.S.A. 77-528 until such time in which a Petition for Judicial Review would no longer be timely.

(D) The Defendant has Thirty (30) days from the service of the Final Order to file a Petition for Judicial Review, K.S.A. 77-613.

Dated this 14th day of April, 1995.

Hoyt Kerr, President and
Presiding Officer
State Board of Pharmacy
of the State of Kansas

CERTIFICATE OF MAILING

I, Dana W. Killinger, Attorney for the State Board of Pharmacy of the State of Kansas, do hereby certify that a copy of the above and foregoing Order of License Reinstatement was mailed First Class postage prepaid on this 14 day of April, 1995, addressed to the following:

Cynthia Andreozzi
748 Willow St.
Ottawa, KS 66067

Dana W. Killinger
1505 SW Harrison St.
Topeka, KS 66612-1811
(913) 232-9616
Attorney for the State
Board of Pharmacy
of the State of Kansas

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY
of the State of Kansas,

Plaintiff,

vs.

CYNTHIA AGUIAR-ANDREOZZI,
License No. 11744,

Defendant.

FINAL ORDER

This matter comes for Formal Hearing on this 29th day of October, 1993.

The State Board of Pharmacy appears by Charlotte Brock, President and Presiding Officer; Hoyt Kerr, Vice-President; Dana Creitz, Pharmacist; Monte Baugher, Pharmacist; Glen Mathis, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. The Defendant, Cynthia Aguiar-Andreozzi appears in person.

Thereupon attorney for Plaintiff introduced evidence of serving upon Defendant a Request for Admissions as set out in the PreHearing Order of August 27, 1993, Exhibit A. Said Exhibit was accepted into evidence. Attorney for the Board advised the Board that Defendant had made no response to the Request for Admissions, and therefore,

the Defendant had, in effect, admitted to all the Counts of the Petition, attorney for the plaintiff so rested his case.

After hearing testimony of Defendant and the testimony of Etta Williams, the Board went into Executive Session for quasi-judicial reasons to make finding of facts and law.

FINDING OF FACTS AND LAW

The Board finds that Defendant, Cynthia Aguiar-Andreozzi, by failing to respond to the Request for Admissions, in effect, admits to the facts and violations of law contained in Counts I through XXV of the Petition.

IT IS THEREFORE THE ORDER OF THE BOARD that pursuant to K.S.A. 65-1627(a)(3)(5)(6) & (8) and K.S.A. 65-4118 (a)(3) and K.S.A. 65-4119(a) the license of Defendant, Cynthia Aguiar-Andreozzi, License No. 11744 is revoked and Defendant to pay the costs herein.

Pursuant to K.S.A. 77-526(c) the Defendant is advised of the following administrative remedies:

A. This Order signed and issued by the Presiding Officer who is also President and Agency Head of the State Board of Pharmacy of the State of Kansas is the Final Order pursuant to K.S.A. 77-526(a).

B. Pursuant to K.S.A. 77-529, Defendant has Fifteen

(15) days from service of the Final Order to file a Petition upon the Agency Head, for reconsideration.

C. Pursuant to K.S.A. 77-528, Defendant may submit a petition on the Agency Head for a stay of the Final Order.

D. If no action is taken on the Petition for Reconsideration within Twenty (20) days from filing, the Petition is deemed denied, K.S.A. 77-529(b), and the Defendant has Thirty (30) days to file a Petition for Judicial Review, K.S.A. 77-613.

E. Defendant may make application for reinstatement of her license to practice pharmacy One (1) year from the effective date of this Final Order, K.S.A. 65-1627a.

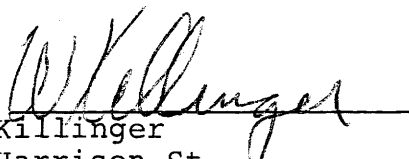
Dated this 31 day of ~~November~~ ^{October}, 1993.

Charlotte Brock
President and Presiding Officer
State Board of Pharmacy of
the State of Kansas

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the attached Final Order was mailed by Certified Mail, Return Receipt Requested, First Class Postage prepaid, on this 1st day of November, 1993, addressed to the following:

Cynthia Aguiar-Andreozzi
2788 John Brown
Princeton, KS 66078


Killinger
100 W Harrison St.
Topeka, KS 66612-1811
(313) 232-9616
Attorney for the State Board
of Pharmacy of the State
of Kansas

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

IN RE: THE MATTER OF

CYNTHIA AGUIAR-ANDREOZZI

License No. 11744

ORDER OF EMERGENCY SUSPENSION

This matter comes before the State Board of Pharmacy of the State of Kansas this 17th day of April, 1993.

The State Board of Pharmacy appears by Dana Creitz, President and Presiding Officer; Charlotte Brock, Vice-President; Kathleen Mahanna, Pharmacist; Barbara Renick, Pharmacist; Hoyt Kerr, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Cynthia Aguiar-Andreozzi did not appear.

Thereupon the attorney for the Board states that very recently evidence has come before the Executive Secretary, Tom C. Hitchcock, of such a nature that there may exist grounds pursuant to K.S.A. 65-4119(b) and K.S.A. 77-536 to hold an emergency hearing for the purpose of protecting the health and welfare of the public.

The attorney for the Board introduced evidence that Notice was mailed to Cynthia Aguiar-Andreozzi by certified mail and that receipt of such notice was indicated by

the return receipt.

Attorney for the Board then called as witnesses, Tom C. Hitchcock, Executive Secretary of the State Board of Pharmacy of the State of Kansas, David Haws, Loss Prevention Manager for Treasury Drug and Etta Williams of the Kansas CIPP Committee and introduced certain exhibits.

After closing statement by counsel for the Board, the Board went into executive session for quasi-judicial reasons to consider finding of facts and possible imposition of appropriate sanctions.

After returning to open session, the Board President and Presiding Officer, Dana Creitz, made the following findings of fact and conclusions of law:

1. That Cynthia Aguiar-Andreozzi is a duly licensed pharmacist in the State of Kansas.

2. That this hearing is being conducted pursuant to K.S.A. 65-4119(b) and K.S.A. 77-536.

3. That based on the testimony of Etta Williams an emergency exists which is a danger to the public health, safety and welfare.

4. That based on the testimony of David Haws and the exhibits introduced, there is substantial evidence that Cynthia Aguiar-Andreozzi forged and diverted prescription

drugs for herself and her husband at Treasury Drugs #7721,
13511 S. Murlen, Suite 129, Olathe, Kansas, 66062, to

wit:

PRESCRIPTION NO.	DATE	DOCTOR	DRUG
7721209364	11/09/92	Bremby	Stadol NS
7721206795	09/23/92, 10/31/92	Bremby	Lorcet 10 CIII controlled substance
7721206002	09/08/92	Bremby	Atrohist Plus Tabs
7721206004	09/08/92, 10/31/92	Bremby	Stadol NS
7721206005	09/08/92	Bremby	Phenergan Suppositories
7721204126	08/03/92	Bremby	Zostrix-HP Cream
7721201864	06/24/92	Bremby	Beconase AQ
7721201866	06/24/92	Bremby	Tavist-D
7721201867	06/24/92	Bremby	Corgard
7721201868	06/24/92	Bremby	Questran Light Pwd. Can
7721201869	06/24/92	Bremby	Stadol NS
7721201871	06/24/92, 10/12/92	Bremby	Zoloft Tabs
7721208902	11/02/92	Gravino	Diprolex AF Cream
7721207153	09/30/92	Gravino	Xylocaine Ointment
7755113716	05/03/92	Bremby	Phenergan Suppositories
7755113717	05/03/92	Bremby	Cafergot Suppositories
7755113718	05/03/92	Bremby	Fiorinal W/Codeine Caps CIII Controlled Substance
7755112067	04/06/92	Bremby	Buspar Tabs
7897260531	03/05/92, 10/18/92	Bremby	Azmacort Inhaler
7897260532	03/05/92	Bremby	Ventolin Inhaler
7776126859	05/30/92	Gravino	Maxair Inhaler

all in violation of K.S.A. 65-1626(dd)(4)(5) and K.S.A.
65-4127a(a). Such acts if allowed to continue are an
imminent danger to the public health and safety and warrants
action.

IT IS ORDERED that the pharmacy license of Cynthia

Aguiar-Andreozzi, License No. 11744 is hereby temporarily suspended until the August 27, 1993, Board Meeting at which time a Formal Hearing shall take place.

IT IS FURTHER ORDERED that Cynthia Aguiar-Andreozzi notify the Board office in Topeka, Kansas of her resident address or where she may be served if different from: 2788 John Brown, Princeton, Kansas 66078. That Cynthia Aguiar-Andreozzi by this ORDER is hereby noticed that future notices to the above address shall be sufficient notice to Cynthia Aguiar-Andreozzi pursuant to the Pharmacy Act and/or the Administrative Practices Act of the State of Kansas and should Cynthia Aguiar-Andreozzi fail to notify the Board's office of her change of resident address, such shall not be a defense for lack of service and the Board may take action be default for Cynthia Aguiar-Andreozzi's failure to appear.

IT IS FURTHER ORDERED that the Board's attorney file an Order to Show Cause under K.S.A. 65-4118(a)(3) and a Formal Petition under K.S.A. 65-1627(a)(3)(5) and (8).

IT IS FURTHER ORDERED that Cynthia Aguiar-Andreozzi be served a copy of this Order within ten (10) days of the date of this Order by certified mail at the address on file at the Board's office, to-wit: 2788 John Brown,

Princeton, Kansas 66078.

Dated this 22 day of April, 1993.

Dana Creitz
President and Presiding Officer
State Board of Pharmacy of
the State of Kansas

CERTIFICATE OF MAILING

I do hereby certify that a copy of the attached Order of Emergency Suspension was mailed by Certified Mail, Return Receipt Requested on this 22 day of April, 1993, addressed to the following:

Cynthia Aguiar-Andreozzi
2788 John Brown
Princeton, KS 66078

Dana Creitz
119 S. 18th St.
Parsons, KS 67357