

BEFORE THE ARKANSAS STATE BOARD OF PHARMACY

**IN THE MATTER OF
KEVIN SMITHPETERS,
P.D., NO. 8155**

CASE NO. 2006-022

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

On June 15, 2006, the Arkansas State Board of Pharmacy conducted a hearing in the above-styled matter. After being duly served with notice thereof, Kevin Smithpeters appeared in person. From the testimony of witnesses, exhibits, and evidence of record, the Board makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondent holds a pharmacist license issued by and is subject to the jurisdiction of the Board.
2. From July 5, 2005 through May 21, 2006, Respondent was pharmacist-in-charge of Wal-Mart Pharmacy #10-0289, McGehee, Arkansas.
3. From July 5, 2005 through May 21, 2006, Wal-Mart Pharmacy #10-0289 was open Monday thru Saturday from 9:00 A.M. until 6:00 P.M. for a total of 54 hours per week.
4. While pharmacist-in-charge of Wal-Mart Pharmacy #10-0289, Respondent did not work at a minimum of fifty (50) percent of the pharmacy hours each week that said pharmacy was open as set forth in Attachment A hereto.

CONCLUSIONS OF LAW

1. Respondent Smithpeters' failures to work a minimum of fifty (50) percent of the hours said pharmacy was open each week as set forth above constitutes separate incidents of violations of Board Regulation 04-00-0002(a)(1).

2. Respondent's violations of Board Regulations 04-00-0002(a)(1) as set forth above constitute separate incidents of unprofessional conduct, Board Regulation 02-04-0002(b) and gross unprofessional conduct, Ark. Code Ann. § 17-92-311(a) (7) (Repl. 2002).

ORDER

IT IS THEREFORE ORDERED that Respondent Smithpeters shall pay a monetary penalty of one thousand dollars (\$1,000) to the Board to be received on or before June 30, 2006.

IT IS FURTHER ORDERED that Respondent Smithpeters shall be on probation for a period of two (2) years from the date of this Order. The conditions of probation are that Respondent shall fully comply with all the provisions of Arkansas Pharmacy Law, Ark. Code Ann. § 17-92-101 *et seq.*, Board Regulations, and all state, federal and local laws and regulations addressing the practice of pharmacy, controlled substances, and legend (prescription-only) drugs.

IT IS FURTHER ORDERED that Respondent shall take the Board's jurisprudence examination within sixty (60) days of this Order.

IT IS FURTHER ORDERED that the Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Order and that Respondent's failure to comply with any provision herein shall constitute gross unprofessional or dishonorable

conduct, Ark. Code Ann. § 17-92-311(a)(7) (Repl. 2002), for which the Board may impose disciplinary action.

IT IS SO ORDERED this 20TH day of June 2006.

ARKANSAS STATE BOARD
OF PHARMACY

by: 
CHARLES CAMPBELL, PHARM.D.
EXECUTIVE DIRECTOR

ATTACHMENT A
 Kevin Smithpeters, P.D. 8155

Table 1

Week #	Week Start	Date Worked	Hrs Worked	Hrs Per Week
1	7/10/2005	7/11/2005	9	
		7/12/2005	3	12
2	7/17/2005	7/17/2005	9 *	
		7/18/2005	9	
		7/21/2005	9	27
3	7/24/2005			0
4	7/31/2005	8/1/2005	9	
		8/3/2005	9	
		8/5/2005	9	
		8/6/2005	9	36
5	8/7/2005			0
6	8/14/2005	8/16/2005	9	9
7	8/21/2005			0
8	8/28/2005	9/1/2006	4	4
9	9/4/2005			0
10	9/11/2005	9/12/2005	10	
		9/13/2005	9	
		9/15/2005	5.5	24.5
11	9/18/2005	9/22/2005	9	9
12	9/25/2005	9/26/2005	9	9
13	10/2/2005	10/7/2005	9	9
14	10/9/2005	10/15/2005	9	9
15	10/16/2005			0
16	10/23/2005			0
17	10/30/2005			0
18	11/6/2005			0
19	11/13/2005	11/18/2005	9	9
20	11/20/2005			0
21	11/27/2005			0
22	12/4/2005			0
23	12/11/2005	12/13/2005	9	9
24	12/18/2005	12/15/2005	9	
		12/22/2005	9	
		12/24/2005	9	27
25	12/25/2005	12/30/2005	9	
		12/31/2005	9	18
26	1/1/2006			0
27	1/8/2006	1/12/2006	9	9
28	1/15/2006	1/19/2006	9	
		1/21/2006	5	14
29	1/22/2006			0
30	1/29/2006	1/31/2006	10	10
31	2/5/2006	2/7/2006	9	9
32	2/12/2006	2/18/2006	9	9
33	2/19/2006	2/24/2006	9	9
34	2/26/2006	2/27/2006	9	
		3/3/2006	7 *	

		3/4/2006	9	25
35	3/5/2006	3/8/2006	9.5	9.5
36	3/12/2006	3/12/2006	9	
		3/13/2006	9	
		3/15/2006	9	
		3/17/2006	9.5	36.5
37	3/19/2006	3/20/2006	9.25	9.25
38	3/26/2006	3/27/2006	5	
		3/30/2006	9	
		3/31/2006	12	26
39	4/2/2006	4/3/2006	4	
		4/4/2006	9.5	
		4/5/2006	9.5	
		4/7/2006	9	32
40	4/9/2006	4/10/2006	9	
		4/12/2006	9	
		4/13/2006	9	27
Total			436.75	436.75

* indicates a Sunday