

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By  
SEP 01 2016  
KANSAS  
BOARD OF PHARMACY

In the Matter of )  
 )  
Coram CVS/Specialty ) Case No. 16-122  
 )  
 )  
Registration No. 2-10384 )

**SUMMARY ORDER**

NOW on this 4 day of September, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Coram CVS/Specialty ("Respondent").

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigation Member enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has previously issued Respondent Registration No. 2-10384 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about April 29, 2016, the Board office received a notification from Laurie Cheffer, RPh, that she was resigning as Pharmacist in Charge ("PIC") for Respondent, effective April 29, 2016.

3. On or about May 29, 2016, the Board received Respondent's written application for a Non-Resident Pharmacy Registration for Change of PIC, naming Heather Frederick as the new PIC.

4. The application indicated that Ms. Frederick had not previously been a PIC.

5. On June 14, 2016, the Board sent a PIC examination to Respondent and Ms. Frederick, indicating that Ms. Frederick had 30 days from the date of the previous PIC's resignation to complete the examination and return it to the Board.

6. Ms. Frederick returned the completed examination to the Board on June 23, 2016.

7. On June 23, 2016, the Board processed the PIC change and issued the registration.

#### CONCLUSIONS OF LAW

8. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

9. Pursuant to K.A.R. 68-1-2a(b), each registrant required to have a PIC that operates for more than 30 days without a designated PIC shall be deemed to be in violation of K.S.A. 65-1627(e).

10. Pursuant to K.A.R. 68-1-2(a) and (c), each prospective PIC shall take a pharmacy law examination administered by the Board. However, a PIC who has already passed the examination shall not be required to retake it upon assuming the duties of a PIC.

11. Respondent notified the Board of the PIC change on April 29, 2016 and submitted a Change in PIC application on May 31, 2016.

12. Since Respondent indicated that the Change of PIC was effective on April 29, 2016, Respondent had 30 days to have a designated PIC, or until May 29, 2016.

13. Respondent failed to submit the complete Change of PIC application to the Board until May 31, 2016, which was two days beyond the 30-day window for designating a new PIC.

14. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide a completed application for a designated PIC to the Board within 30 days.

15. Furthermore, Respondent operated without a PIC for 23 days after the application was submitted while it waited for an examination to be sent, completed, and returned to the Board office.

16. Because the Board was delayed by 14 days in sending the PIC examination to Respondent and Ms. Frederick, Respondent is not responsible for that time.

17. Therefore, because Ms. Frederick did not submit the completed PIC examination until June 23, 2016, the Pharmacy operated an additional nine days without a PIC, bringing the total number of days without a PIC to eleven.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board. A violation of K.A.R. 68-1-2a(b) warrants a base fine of \$1,000.00. Every day that Respondent is in violation of the regulation, the fine accrues \$20.00. Because Respondent was eleven days late, the fine accrued \$220.00. A repeat violation of K.A.R. 68-1-2a(b) also warrants an additional \$1,000.00. Respondent has 30 days from the date of this order to pay the full \$2,220.00, or until Monday, October 3, 2016.

NOTICES


The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

8/29/16  
\_\_\_\_\_  
Date

  
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Michael Lonergan, R. Ph.  
Investigation Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of September, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Coram CVS/Specialty  
8201 E. 34<sup>th</sup> Street Circle North, Ste. 905  
Wichita, KS 67226

and the original hand delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612



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Kansas Board of Pharmacy Staff