

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of*

CVS PHARMACY #05889  
LICENSE NO. 2-10293

Case No. 13-50

**AGENCY ORDER**

CVS PHARMACY #05889 (the "Respondent") is currently licensed as a pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued license No. 2-10293. At all times relevant hereto, the Respondent has held a current license to operate a pharmacy in the State of Kansas.

The Board has received certain information, has investigated, and has determined that there are reasonable grounds to believe that the Respondent has operated in a manner that violates the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

After considering the foregoing, the Board's Investigative Member, in accordance with the authority granted by the Board, enters the following agency summary order.

**I. FINDINGS OF FACT**

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 2-10293 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. That on March 8, 2013, the Board received a consumer complaint alleging Respondent had dispensed cephalexin 250mg/5 ml suspension-200ml that had not been reconstituted to her for her infant daughter.

## ORDER

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of \$500 for failure to offer counseling to patient which is a violation of K.A.R. 68-7-12. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

Additionally, Respondent is ordered to conduct a continuous quality improvement meeting as defined in K.A.R 68-19-1 regarding the aforementioned incident that will include all of Respondent's pharmacy staff. At this meeting, Respondent must address and document how they will make sure staff members ensure patients are being offered counseling on new prescriptions. A copy of the continuous quality improvement meeting report accompanied by an attendance log signed by every staff member to verify their attendance must be submitted to the Board within 30 days of receipt of this Order.

Additionally, Respondent will report self to the Institute for Safe Medication Practices for failure to reconstitute a medication and provide verification to the Board that this has been done within 30 days of receipt of this Order.

Additionally, Respondent will provide Board with a copy of their Policy and Procedure regarding reconstitution of medications within 30 days of receipt of this Order.

**IT IS SO ORDERED.**

### III. NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

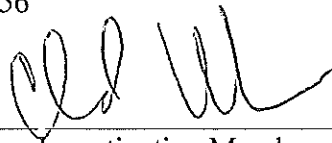
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 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:

**Debra Billingsley, Executive Director**

Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612-1231  
Phone: 785-296-4056

6/6/13

Date



Investigative Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17<sup>th</sup> day of June, 2013, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

CVS/PHARMACY #05889  
400 S. 10<sup>TH</sup> STREET  
ATCHISON, KS 66002

KANSAS CVS PHARMACY, LLC  
ATTN: LEGAL DEPT.  
ONE CVS DRIVE  
WOONSOCKET, RI 02895



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Christina Morris  
Assistant Director, Disciplinary Counsel  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231