

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of

CVS PHARMACY #8601
LICENSE NO. 2-10066

Case No. 08-48

AGENCY ORDER

CVS PHARMACY #8601 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. 2-10066. 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 Investigation Member, in accordance with the authority granted to her by the Board, enters the following agency 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 2-10066 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").

2. That on March 25, 2008 a routine inspection was conducted whereby an individual by the name of Michael Marchenko was listed as a pharmacy technician on the board displayed in the pharmacy. There was no record that this individual had renewed his registration with the Board. The registration for Mr. Marchenko had expired on October 31, 2007. The pharmacy verified that Mr. Marchenko was still employed with the pharmacy as a technician. ("Investigation Report")

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a license number on May 30, 2006 pursuant to K.S.A. 65-1643.
2. That pursuant to K.S.A. 65-1627 (e) (1) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that (1) Such pharmacy has been operated in such a manner that violations of the provisions of the pharmacy act of the state or the rules and regulations of the board have occurred in connection therewith.
3. That K.S.A. 65-1663 (h) states in part, "it is the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board."
4. That K.S.A. 1663 (a) states that it shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the Board as a pharmacy technician.

ORDER

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of \$500 for permitting a pharmacy technician to function in the prescription area without being registered. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

II. 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, 900 SW Jackson, Ste. 560, 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
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231

Phone: 785-296-4056
Fax: 785-296-4056

IT IS SO ORDERED.

4/11/08
Date



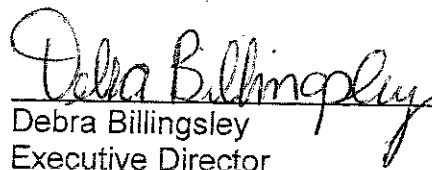
Shirley Arck, R.Ph.
Investigative Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15 day of April, 2008,
deposit in the United States mail, postage prepaid, a copy of the foregoing
AGENCY ORDER, properly addressed to the following:

CVS Pharmacy
Attn: Diamando Geornaras, R.Ph.
12290 W. College Blvd.
Overland Park, KS 66210

The Corporation Company, Inc.
515 South Kansas Ave.
Topeka, KS 66603



Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231