

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Jonathan Brack ) Case No. 18-081C  
 )  
 )  
Registration No. 1-10093 )

**SUMMARY ORDER**

NOW on this 27 day of April, 2018 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jonathan Brack (1-10093) (“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 Executive Secretary 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. 1-10093 which entitles Respondent to practice as a pharmacist in the State of Kansas (“Respondent’s Registration”).
2. On or about March 16, 2018, the Board received a C-100 Complaint Form, stating Leeker’s Pharmacy of Valley Center, KS had filled the wrong dose of the medicine the patient had been prescribed.

3. The Board's investigation into the incident confirmed the patient had received the wrong dose of medication from May, 2017 until March, 2018, when the patient discovered her prescription had been filled with the incorrect dose.

4. Respondent was the Pharmacist in Charge (PIC) at Leeker's Pharmacy at the time of the original May, 2017 error.

5. On or about April 17, 2018, the Board received an incident report that had been started by Respondent regarding this incident. The incident report was incomplete, lacking the description of how the incident occurred; lacking the name, license/registration numbers and signatures of all employees involved; lacking the name of the prescriber; and lacking the date of the incident report.

#### CONCLUSIONS OF LAW

6. 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.

7. Pursuant to K.A.R. 68-7-12b(a)(2), a "reportable incident" and "incident" shall include a preventable medication error involving a prescription drug and resulting in the patient receiving an incorrect drug strength.

8. Pursuant to K.A.R. 68-7-12b(b), for each pharmacy other than a medical care pharmacy, the pharmacist-in-charge shall ensure that procedures exist require each pharmacist who becomes aware of a reportable incident to report the incident to the pharmacist-in-charge as soon as practical.

9. Pursuant to K.A.R. 68-7-12b(c), as soon as possible after discovery of the incident, the pharmacist shall prepare a report containing the following information: the name of each pharmacy employee and the license number of each license involved; the date of the incident and the date of the report; a pharmacist's description of the incident; the prescriber's name and whether or not the prescriber was contacted; and the signatures of all pharmacy employees involved in the incident.

10. Pursuant to K.A.R. 68-7-12b(d), the preparation of an incident report that meets the requirements of this regulation shall be the responsibility of each pharmacist involved in the incident and the pharmacist-in-charge. The maintenance of incident reports as required by this regulation shall be the responsibility of the pharmacist-in-charge.

11. As the pharmacist-in-charge at the time of the incident, Respondent was responsible for preparing an incident report that met the regulations pursuant to K.A.R. 68-7-12b(d).

12. Respondent violated K.A.R. 68-7-12b when he failed to ensure the incident report included the description of how the incident occurred; the name, license/registration numbers and signatures of all employees involved; the name of the prescriber; and the date of the incident report.

#### 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. 68-7-12b warrants a fine of \$500.00. Respondent has 30 days from the date of this order to pay the full \$500.00.

#### NOTICES

The Respondent is hereby notified as follows:

*Matter of Jonathan Brack*, No. 18-081C (Kan. Bd. of Pharmacy)

**SUMMARY ORDER**

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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.

4/27/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27 day of April, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Jonathan Brack  
630 N. Broadview Lane  
Andover, KS 67002

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