

Filed

AUG 22 2011

KANSAS STATE
Board of Pharmacy

Holly L. Fisher, KS Bar #24023
Kansas State Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612
(785) 296-4056 (tel.)
(785) 296-8420 (fax)
holly.fisher@pharmacy.ks.gov

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of }
 }
College Pharmacy }
License No. 22-02401. }

Case No.: 10-32

SUMMARY ORDER

College Pharmacy (the "Respondent") is currently authorized to operate as a pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board"), having issued it License No. 22-02401.

It has come to the attention of the Board's Investigative Member that Respondent's license to operate as pharmacy in Colorado has been placed on probation until April 10, 2016 by the Colorado Board of Pharmacy.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enter the following Summary Order.

FINDINGS OF FACT

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

1. The Kansas State Board of Pharmacy ("Kansas Board") is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, et seq.) and with the enforcement of the rules and regulations promulgated thereunder, (K.A.R. 68-1-1a et seq).

2. The Board has previously issued Respondent License No. 22-02401 which entitled it to operate as a non-resident pharmacy in the State of Kansas (“Respondent’s License”).

3. Respondent is located at 3505 Austin Bluffs Parkway, Ste. 101, Colorado Springs, Colorado 80918.

4. Respondent is subject to all laws and regulations pertaining to the operation of a pharmacy as administered by the Kansas Board.

5. On or about April 10, 2009, the Colorado Board of Pharmacy (“Colorado Board”) entered into a Stipulation and Final Agency Order with Respondent (“Colorado Disciplinary Order”). The Colorado Board placed Respondent on probation for seven years and established numerous terms with which Licensee must comply during the course of its probationary period. A certified copy of the Colorado Disciplinary Order was provided to the Kansas Board’s Executive Director with Respondent’s renewal application. The Colorado Disciplinary Order is incorporated into this Order by reference.

CONCLUSIONS OF LAW AND FACT

6. For purposes of this Order, the Board’s Investigation member makes the following conclusions of law and fact:

7. That the Respondent was originally issued license number 22-02401 pursuant to K.S.A. 65-1631.

8. That pursuant to K.S.A. 65-1627(a)(12), the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy upon a finding that: “(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily

surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

9. Respondent had disciplinary action taken against it by the Colorado State Board of Pharmacy, placing its license on probation.

10. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

ORDER

11. Based upon the foregoing findings of fact and conclusions of law, the respondent is placed on probation under the terms and conditions of the action taken by the Colorado Board. The probation shall run concurrently with the Order of the Colorado Board.

12. The respondent further is ordered to inform the Kansas Board of Pharmacy:

- a. whether Respondent successfully completes the terms of its probation in the Colorado Disciplinary Order;
- b. the Colorado Board lifts its probation over the respondent's license;
- c. of any new disciplinary actions or orders issued by the Colorado Board or other state or territorial professional boards in the United States involving it.

13. Upon successful completion of probation in the Colorado Disciplinary Order, and the Colorado Board lifting probation in said matter, this order placing the respondent on probation in Kansas shall be lifted with no further action necessary by the respondent or the Kansas Board.

NOTICES

The Respondent is hereby notified as follows:

14. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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.

15. If a hearing is not requested as described above, the Order placing the respondent on probation until April 10, 2016 shall run concurrently with the term of the Colorado Disciplinary Order and shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

16. 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.

17. 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, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

08/17/2011

Date

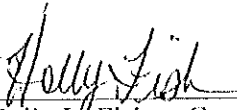


David R. Schoech
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29th day of August, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

College Pharmacy
Jerry Gillick, R.Ph.
3505 Austin Bluffs Pkwy., Ste. 101
Colorado Springs, CO 80918.



Holly L. Fisher, Compliance Counsel
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612