

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JUL 20 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Comprehensive Health)
Planned Parenthood)
)
Registration No. 2-08823)

Case No. 16-050

SUMMARY ORDER

NOW on this 20 day of July, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Comprehensive Health Planned Parenthood ("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. 2-08823 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").

2. On or about July 2, 2015, the Board office received a notification from Respondent of Pharmacist in Charge ("PIC") Josephine Shafer's resignation effective August 20, 2015.

3. On or about September 23, 2015, the Board office received a request for a PIC extension from Respondent, which was granted on that date. The Board gave Respondent until October 30, 2015 to submit a change of PIC application.

4. On October 30, 2015, no change of PIC application was on file.

5. On March 25, 2016, the Board office received a Change of PIC from Respondent.

6. On March 28, 2016, the Board sent a PIC examination to the new PIC.

7. On April 27, 2016, the PIC exam was returned and the requested PIC change was processed.

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. Respondent notified the Board of the PIC change on July 2, 2015 and submitted a Change in PIC application on March 25, 2016.

11. Since Respondent indicated that the Change of PIC was effective on August 20, 2015, and the Board granted an extension, Respondent had until October 30, 2015 to designate a new PIC.

12. Respondent failed to submit the complete Change of PIC application and new PIC exam to the Board until April 27, 2016, which was 179 days beyond the 30-day window for designating a new PIC.

13. 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.

14. The failure to submit the change in PIC application until 179 days after the expiration of the 30 day allotment plus the extension constitutes a violation.

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 179 days late, the fine accrued \$3,580.00. Respondent has 30 days from the date of this order to pay the full \$4,580.00, or until **August 22, 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.

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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.

7/19/2016
Date


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


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20 day of July, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Comprehensive Health Planned Parenthood
4401 W. 109th St.
Overland Park, KS 66211

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff