

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

JUN 13 2007

KANSAS STATE
Board of Pharmacy

In The Matter Of)
)
CONSUMERS PHARMACY)
LICENSE NO. 2-06538)
_____)

Case No. 07-40

AGENCY ORDER

CONSUMERS PHARMACY 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. 2-06538. 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 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 2-06538 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").

2. That on April 10, 2007 the Board received a complaint concerning a pharmacy technicians employed who was not registered with the Board. That on May 2, 2007 the inspector found an individual by the name of Wesley Koschke employed as a pharmacy technician in the pharmacy. The registration granted to the technician had expired on October 31, 2006. There was no record that this individual had renewed his pharmacy technician registration with the Board of Pharmacy although he 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 June 25, 1984 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.

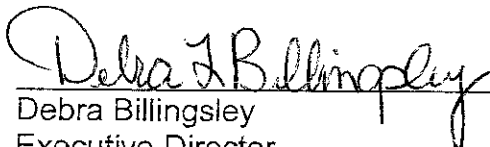
6/12/07
Date


Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13 day of June, 2007, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Ed Boyd
Pharmacist in Charge
Consumers Pharmacy
1035 N. Emporia
Wichita, KS 67214


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