

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Option Care) Case No. 15-252
)
Registration No. 2-13170)

SUMMARY ORDER

NOW on this 31 day of March, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Option Care ("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. 2-13170 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about September 15, 2015, the Board office received a notification of a pharmacist in charge ("PIC") change from Respondent indicating Imad Numair, R. Ph. would be assuming the role of pharmacist in charge ("PIC"), effective September 15, 2015.
3. On or about October 15, 2015, the Board received Respondent's written application for a Non-Resident Pharmacy Registration for Change of PIC.

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4. Because Respondent is a resident pharmacy in the State of Kansas, on October 15, 2015 the Board electronically requested Respondent and the new PIC complete a Resident Pharmacy Registration for Change of PIC.

5. On October 16, 2015, Respondent emailed the completed application form to the Board. The application indicated that Mr. Numair had not previously been a PIC.

6. On October 16, 2015, the Board sent a PIC examination to Respondent and Mr. Numair, indicating that Mr. Numair had 30 days from the date of the previous PIC's resignation to complete the examination and return it to the Board.

7. On December 2, 2015, the Board received an email from Mr. Numair indicating he was a PIC from 2004-2005 and from 2006-2007.

8. On December 2, 2015, the Board processed the PIC change and issued the license.

CONCLUSIONS OF LAW

9. 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.

10. 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).

11. Pursuant to K.A.R. 68-1-2(a) and (c), each prospective PIC shall take a pharmacy law examination administered by the Board. However, a PIC who has already passed the examination shall not be required to retake it upon assuming the duties of a PIC.

12. Respondent notified the Board of the PIC change on September 15th and submitted a Change in PIC application on October 15th. However, Respondent failed to submit the correct application for a resident pharmacy and then provided inaccurate information regarding Mr. Numair's PIC experience.

13. Since Respondent indicated that the Change of PIC was effective on September 15th, Respondent had 30 days to have a designated PIC, or until October 15, 2015.

14. Respondent failed to submit the complete Change of PIC application to the Board until December 2nd, which was 46 days beyond the 30-day window for designating a new PIC.

15. 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.

16. Though Respondent need not have completed the requested PIC examination, the failure to respond until 46 days after the expiration of the allotted time 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 46 days late, the fine accrued \$920.00. Respondent has 30 days from the date of this order to pay the full \$1,920.00, or until Wednesday, May 4th, 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 revoking the Respondent's Registration, as a pharmacy technician 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.

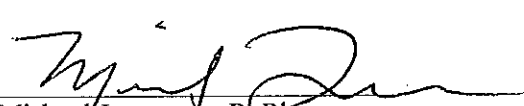
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

Date

3/30/16


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of March, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Option Care
8940 Nieman Rd.
Overland Park, KS 66214

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