

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
St. Anthony's Senior Care Hospital Olathe LLC)
Registration No. 2-102615)

Case No. 19-445

SUMMARY ORDER

NOW, on this 12th day of December 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of St. Anthony's Senior Care Hospital Olathe LLC ("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 Permit No. 2-102615 which entitled Respondent to operate as a medical care facility pharmacy in the State of Kansas ("Respondent's Registration").
2. On June 30, 2019, Respondent's Registration expired.
3. On September 10, 2019, during an on-site inspection, the Board's inspector noted that, though Respondent had continued to operate, Respondent's Registration had not been renewed.

4. On September 11, 2019, the Board received Respondent's application to renew Respondent's Registration as a medical care facility pharmacy ("Respondent's Application").

5. On September 11, 2019, the Board approved Respondent's application, effective immediately.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1645(e), permits issued under the provisions of K.S.A. 65-1643 and 65-1644 and amendments thereto shall not be transferable, shall expire every year, and shall be renewed annually. If application for renewal is not made prior to expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee.

3. Respondent's failure to submit application for renewal to the Board until September 11, 2019 – 72 days past Respondent's June 30, 2019 expiration – is a violation pursuant to K.S.A. 65-1645(e), by which Respondent's Registration became null and void on June 30, 2019.

4. Pursuant to K.S.A. 65-1643, it shall be unlawful for any person to operate or maintain a pharmacy without first obtaining a pharmacy registration from the Board.

5. The Board inspector's on-site inspection indicated that, in violation of K.S.A. 65-1643, Respondent had continued to function as a medical care facility pharmacy in the state of Kansas prior to obtaining a renewed and valid registration from the Board on September 11, 2019.

ORDER

Based upon the foregoing finding of fact and conclusions of law, Respondent is ordered to pay to the Board a base fine of \$1000, plus \$20 per day that Respondent was in violation. Because Respondent operated without a valid license for seventy-two (72) days, the total fine is \$2,440. Respondent has thirty (30) days from the date of this order to pay to the Board the full \$2,440.

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.
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.


12/12/19
Date

Alexandra Blasi
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12th day of December 2019, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

ST. ANTHONY'S SENIOR CARE HOSPITAL OLATHE LLC
14200 W 134th PLACE, STE 400
OLATHE, KS 66062



Kansas Board of Pharmacy Staff