

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
The Medicina Shoppe #2151)
)
Registration No. 2-109813)

Case No. 20-034

SUMMARY ORDER

NOW, on this 6th day of April ~~March~~ 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of The Medicine Shoppe #2151 ("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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent Registration No. 2-109813 which entitles Respondent to function as a Pharmacy in the State of Kansas ("Respondent's Registration").
2. On January 30, 2020, Respondent's Pharmacist-in-Charge ("PIC") resigned from The Medicine Shoppe #2151, effective immediately.
3. On March 18, 2020, the Board received a Change in PIC Form BA-50 from Respondent, notifying the Board of a Respondent's change in PIC effective January 30, 2020.
4. On or about March 18, 2020, the Board processed the PIC change.

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.A.R. 68-2-5, each pharmacist shall notify the board in writing within five days of ceasing to serve as the pharmacist-in-charge at a pharmacy or registrant required to have a pharmacist-in-charge. The notice shall include the pharmacist's name, the name and address of the pharmacy or registrant, and the date the pharmacist ceased to serve as the pharmacist-in-charge.

3. Pursuant to K.A.R. 68-1-2a(b), each pharmacy 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).

4. Since Respondent's previous PIC resigned effective January 30, 2020, Respondent had 30 days to designate a PIC by notification to the Board, or until February 29, 2020.

5. Respondent failed to submit the complete Change of PIC application to the Board until March 18, 2020, which was eighteen (18) days beyond the 30-day window for designating a new PIC.

6. 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.

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 plus \$20.00 per day that Respondent is in violation of the regulation, not to exceed \$5,000. Because

Respondent provided notice to the Board eighteen (18) days past the deadline, the total fine is \$1360. Respondent has 30 days from the date of this order to pay the fine.

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.

4/6/2020

Date

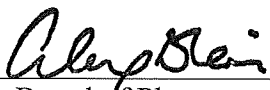


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6th day of ~~March~~ ^{April} 2020, 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:

THE MEDICINE SHOPPE #2151
6523 PARALLEL PKWY
KANSAS CITY, KS 66102



Kansas Board of Pharmacy Staff