

Filed By
DEC 02 2013

BEFORE THE KANSAS STATE BOARD OF PHARMACY

KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
) Case No. 13-133
Walgreens Pharmacy #5768)
Kansas License No. 2-09497 09734)
_____)

SUMMARY ORDER

NOW on this 2 day of December 2013, comes before the Kansas State Board of Pharmacy (hereinafter referred to as "the Board"), through its investigative member and reviews the file on Walgreens Pharmacy #05768 (hereinafter referred to as "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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigative Member enters this Summary Order in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. § 65-1626, *et seq.*) (the "Pharmacy Act") and with the enforcement of the rules and regulations promulgated thereunder.
2. Respondent is currently licensed as a pharmacy in the State of Kansas having been issued License No. 2-09734.

3. The Board's Investigative Member has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, which would subject his license to discipline pursuant to K.S.A. 65-1627.
4. The Board is authorized to assess civil fines under the provisions of the Pharmacy Act. More specifically, the Board may, "assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under subsections (a), (c), (d) and (e) of K.S.A. 65-1627, and amendments thereto, for violations of the pharmacy act of the state of Kansas or rules and regulations of the state board of pharmacy or for violation of the uniform controlled substances act or rules and regulations of the state board of pharmacy adopted under the uniform controlled substances act, in an amount not to exceed \$5,000 for each violation." K.S.A. § 65-1658.
5. Pursuant to laws and regulations pertaining to of pharmacies, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act (K.S.A. § 77-501, *et seq.*) ("KAPA"). K.S.A. § 65-1663(e) (4). Such proceedings may result in suspension, revocation, and other disciplinary actions affecting a Respondent's ability to conduct business as a licensed pharmacist in the State of Kansas
 - a. Respondent operated without a designated pharmacist-in-charge (PIC) from July 20, 2013 to November 7, 2013. Accounting for the 30-day grace period allowed by K.A.R. 68-1-2a (b) the pharmacy has operated 78 days without a pharmacist in charge.

ORDER

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF PHARMACY

THAT:

A civil fine assessed according to the above-mentioned violation in the following manner:

For violation of K.A.R. 68-1-2a (b): \$1000.00, plus \$20.00 per day of the violation for a total of \$2,560.00. That the fine is due and payable to the Board of Pharmacy within thirty (30) days after this Order becomes a Final Order. That if a hearing is not requested the Order becomes a Final Order effective upon the expiration of the time for requesting a hearing pursuant to K.S.A. 77-537.

Further, a representative of Walgreens shall appear at the next scheduled Board meeting to provide the Board with an update on the systemic issue of failing to timely obtain a pharmacist in charge as required by law and how they are resolving this issue.

NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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.

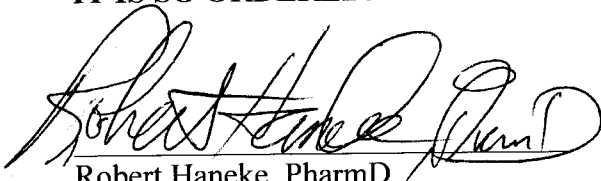
2. If a hearing is not requested as described above, the Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

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 § 77-613. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612.

IT IS SO ORDERED.



Robert Haneke, PharmD
Investigative Member
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

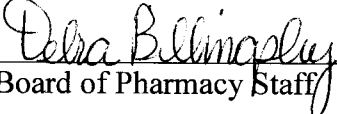
Date: 12 November 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 2 day of December, 2013, I deposited a true and correct copy of the above and foregoing Summary Order in the United States Mail, postage prepaid, and addressed to:

Walgreens Pharmacy #05768
5505 E. Harry
Wichita, KS 67218

Walgreens Litigation and Regulatory Dept
Walgreen Company
104 Wilmot Road
Deerfield, IL 60015



Board of Pharmacy Staff