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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

May 6, 2020

DARIN ANDERSON
1396 E 54th ST S
Wichita, KS 67216

RE: Case No. 19-436

Dear Mr. Anderson:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$700. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

Filed By

MAY 6 2020

BEFORE THE KANSAS BOARD OF PHARMACY

KANSAS STATE BOARD OF PHARMACY
Case No. 19-436

In the Matter of)
)
Darin Anderson)
)
License No. 1-12271)

SUMMARY ORDER

NOW, on this 6th day of May 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Darin Anderson ("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 License No. 1-12271 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On the morning of August 26, 2019, Respondent gave his immediate resignation from the position of Pharmacist-in-Charge ("PIC") at Rock Regional Hospital, a position to which he had been contracted through PharmaCare Services.
3. On August 30, 2019, the Board received a C-100 Complaint Form ("C-100") from the Regional Accounts Director of PharmaCare Services.
4. The C-100 documented that Respondent had resigned by leaving a handwritten memo ("resignation") with the front desk assistant upon exiting the premises.

5. In his resignation, Respondent had noted that by state law, he had to do a narcotics inventory, and could be reached via text to return and conduct such inventory after the close of the business day.

6. The C-100 documented that, as Respondent's resignation and departure had been immediate, he was told he would not be able to return to conduct inventory, as he was no longer an employee.

7. On September 3, 2019, the Board received from Rock Regional Hospital a Change in PIC Form BA-50, documenting their incoming PIC.

8. On or about September 3, 2019, the Board processed the PIC change.

9. To date, Respondent has not provided the Board with any notification of his resignation.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(a)(8), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.

2. 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.

3. 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.

4. Pursuant to K.A.R.68-7-11(o), each pharmacist-in-charge who will no longer be performing the functions of the pharmacist-in-charge position shall inventory all controlled substances in the pharmacy before leaving the pharmacist-in charge position.

5. Respondent had five days to notify the Board of Respondent's resignation as PIC effective August 26, 2019, or until August 31, 2019.

6. Respondent failed to notify the Board of his resignation as PIC.

7. Respondent violated K.A.R. 68-2-5 by failing to notify the Board of his resignation as PIC within five days.

8. Respondent resigned and departed from his position as PIC prior to conducting inventory on all controlled substances.

9. Respondent violated K.A.R. 68-7-11(o) by failing to conduct the controlled substances inventory before leaving the PIC position.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay to the Board both of the following fines:

- A violation of K.A.R. 68-2-5 warrants a base fine of \$5.00 per day that Respondent is in violation of the regulation, not to exceed \$200.00. Because Respondent has, to date, failed to provide to the Board any notice of his resignation, Respondent is ordered to pay the 40+ day maximum fine of **\$200.00**.

- For the violation of K.A.R. 68-7-11(o), Respondent is ordered to pay the fine of **\$700.00.**

Totaling **\$900.00**, Respondent's fines are to be paid to the Board within 30 days from the date of this order.

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.

5/6/2020
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6th day of May 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:

DARIN ANDERSON
1396 E 54th ST S
WICHITA, KS 67216



Kansas Board of Pharmacy Staff