

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

JAN 09 2019

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Comprecare)
)
Registration No. 22-02283)

Case No. 18-558

SUMMARY ORDER

NOW on this 9 day of January, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Comprecare ("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. On or about June 5, 2018, the Board received Respondent's Non-Resident Pharmacy Registration Renewal Application.
2. Respondent answered "No" to the following question on the renewal application: "Has any license or registration, currently or previously held by the applicant or the PIC been surrendered to, denied, disciplined, censured, suspended, limited, placed on probation, or revoked by any state or federal government?"

3. Upon investigation, the Board learned that Respondent had received discipline from the Kentucky Board of Pharmacy on March 11, 2015 for shipping 558 prescriptions into the State of Kentucky without a named Kentucky-licensed PIC.

4. Upon investigation, the Board learned that Respondent had received discipline from the Texas Board of Pharmacy on February 16, 2017 for failing to notify the Texas Board of the Kentucky discipline.

5. Upon investigation, the Board learned that both the FDA Inspection in 2017 and NABP Verified Pharmacy Program (VPP) Inspection in 2018 cited insanitary conditions at the Comprecare facility.

CONCLUSIONS OF LAW

6. 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.

7. Pursuant to K.S.A. 65-1657(c), when any nonresident pharmacy fails to supply requested information to the board or fails to respond to proper inquiry of the board, after receiving notice by certified mail, the board may assess a civil fine in accordance with the provisions of K.S.A. 65-1658.

8. Pursuant to K.S.A. 65-1627(e)(1), the board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith.

9. Pursuant to K.S.A. 65-1642(a), each pharmacy shall be equipped with proper sanitary appliances that shall be kept in a clean and orderly manner.

10. Pursuant to K.S.A. 65-1627(e)(4), the board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken by the proper registering authority of another state, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

11. Respondent's failure to disclose its discipline from the states of Kentucky and Texas is a violation of K.S.A. 65-1657(c) and a basis to impose a fine pursuant to K.S.A. 68-1658.

12. Respondent's insanitary conditions in its facility, as cited in the 2017 FDA inspection and the 2018 NABP VPP inspection, is a violation of K.S.A. 65-1642(a) and a basis to impose discipline pursuant to K.S.A. 65-1627(e)(1).

13. Respondent's discipline in the state of Kentucky, as evidenced by the Kentucky Agreed Order dated March 11, 2015, is a basis to impose discipline pursuant to K.S.A. 65-1627(e)(4).

14. Respondent's discipline in the state of Texas, as evidenced by the Texas Agreed Order dated February 16, 2017, is a basis to impose discipline pursuant to K.S.A. 65-1627(e)(4).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$500.00 to the Board. Respondent has thirty (30) days from the date of this order to pay the full \$500.00. Additionally, Respondent is ordered to send to the Board a descriptive plan of action to correct non-compliance issues as noted in the NABP VPP inspection due sixty

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(60) days from the date of this order. Lastly, Respondent is ordered to repeat the VPP inspection within 18 months of Respondent's last inspection to show Respondent's compliance.

Based on the foregoing findings of fact and conclusions of law, Respondent is ordered to send a description of its plan of action to correct all VPP infractions noted on the NABP VPP inspection within sixty (60) days from the date of this order.

Based on the foregoing findings of fact, Respondent is ordered to repeat the NABP VPP inspection in eighteen (18) months 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. 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.

3. 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.

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Date

1/9/19

Kansas Board of Pharmacy

Alex Stein

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CERTIFICATE OF SERVICE

I hereby certify that I did, on the 9 day of January, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Comprecare
1308 Fourth Avenue
Huntington, WV 25701

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