

**BEFORE THE KANSAS STATE BOARD OF PHARMACY**

In the Matter of )  
K-Mart Pharmacy #4171 ) KBOP DOCKET No. 14-042  
Kansas Permit No. 2-09802 )  
\_\_\_\_\_ )

**SUMMARY ORDER**

NOW this 13 day of May, 2014, comes before the Kansas State Board of Pharmacy (hereinafter referred to as "Board") through its investigative member on the registration of K-Mart Pharmacy #4171 (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 provision of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigative Member after reviewing the evidence and being otherwise duly advised in the premises and in accordance with the authority granted to him by the Board, enters the following Summary 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 registered as a pharmacy in the state of Kansas having been issued permit number 2-09802.
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 Pharmacy Act which would subject its permit to discipline pursuant to K.S.A. 65-1627.

4. The Board is authorized to revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that: (1) Such pharmacy has been operated in such a 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.

5. The Board is authorized pursuant to K.S.A. 65-1658, in addition to any other penalty prescribed under the pharmacy act, to assess a civil fine, after notice and an opportunity to be heard in accordance with the administrative procedure act against any registrant in an amount not to exceed \$5,000 for each violation.

6. That the Respondent operated without a designated pharmacist-in-charge ("PIC") from January 19, 2014 until April 16, 2014. Accounting for the 30-day grace period allowed by K.A.R. 68-1-2a (b) the pharmacy operated 87 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): \$1,000 plus \$20.00 per day of the violation for a total of \$2,740. 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.

**IT IS SO ORDERED.**



\_\_\_\_\_  
Chad, Ullom, R.Ph.  
Investigative Member

**NOTICES**

Respondent is hereby notified as follows:

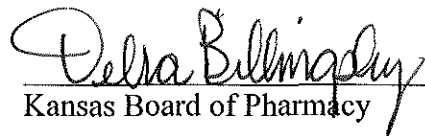
1. Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231, within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, the 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 K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review is:

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

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 13 day of May, 2014, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

K-Mart Pharmacy #4171  
4200 West Kellogg  
Wichita, KS 67209

  
Kansas Board of Pharmacy