

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Legacy Pharmacy)
Registration No. 22-16456)

Case No. 16-144

Filed By
JAN 06 2017
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Legacy Pharmacy ("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. The Board has previously issued Respondent Registration No. 22-16456, which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On February 24, 2015, the Board office received a notification from an Apral D. Jones-Ford, stating that she would no longer be serving as pharmacist in charge ("PIC") at Legacy Pharmacy, effective February 18, 2015.
3. Respondent did not submit a written application for a Non-Resident Pharmacy Registration for Change of PIC after the resignation of Apral Jones-Ford.

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4. On August 3, 2016, the Board received an email from Michelle Bauer stating that she had resigned from PIC of Legacy Pharmacy in August of 2015. However Respondent never indicated Ms. Bauer would be serving as PIC through a filed change of PIC application or any other correspondence.

5. Furthermore, Respondent renewed its non-resident pharmacy license on May 26, 2015 and again on July 19, 2016 and indicated no change to the PIC at those times.

6. To date, the Board has not received from Respondent a written application for a Non-Resident Pharmacy Registration for Change of PIC.

7. To date, the PIC listed for Respondent remains Apral Jones-Ford.

CONCLUSIONS OF LAW

8. 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.

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

10. Because Respondent never filed a change of PIC application with the Board, approximately 18 months lapsed between the resignation of the listed PIC and the date that it was discovered by the Board.

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 \$1,000.00.

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Every day that Respondent is in violation of the regulation, the Board is authorized to assess an additional civil fine. Because Respondent was approximately 18 months without a PIC, the fine is assessed at \$15,000.00. Respondent has 30 days from the date of this order to pay the full \$15,000.00, or until Monday, February 6, 2016.

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 revoking the Respondent's Registration, as a pharmacy technician 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.

11/6/17
Date



Alexandra Blasi, JD, MBA
Kansas Board of Pharma

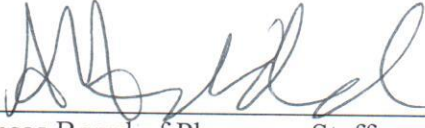
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Legacy Pharmacy
ATTN: Pharmacist-in-Charge
2050 Springdale Rd., Unit 500
Cherry Hill, NJ 08003

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