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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 12, 2019

PerformSpecialty  
2416 Lake Orange Dr., Suite 190  
Orlando, FL 32837

RE: Case No. 19-380

To whom it may concern:

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 \$2,160.00. 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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

Filed By

JUL 12 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 19-380

In the Matter of )  
PerformSpecialty )  
Registration No. 22-44955 )

**SUMMARY ORDER**

NOW on this 12<sup>th</sup> day of July, 2019 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of PerformSpecialty ("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. 22-44955 which entitles Respondent to function as a Pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about June 25, 2019, the Board office received from Respondent a BA-50 form, notifying of a pharmacist in charge ("PIC") change from Dziedzice Washington (1-106464) to Shavonda Leakes (1-108371) which was made effective March 29, 2019.
3. The Board did not receive Respondent's Change in PIC Form until June 25, 2019, when it was then processed.

**CONCLUSIONS OF LAW**

1. 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.

2. Pursuant to K.A.R. 68-1-2a(b), each pharmacy required to have a PIC that operates for more than 30 days without a designated PIC shall be deemed in violation of K.S.A. 65-1627(e).

3. Since Respondent indicated the termination of Dzicdzice Washington as PIC was effective on March 29, 2019, Respondent had 30 days to designate a new PIC by notification to the Board, or until April 28, 2019.

4. Respondent failed to submit the complete Change of PIC application to the Board until June 25, 2019, which was 58 days beyond the 30-day window for designating a new PIC.

5. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide a completed application for a designated PIC to the Board within 30 days.

#### 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 plus \$20.00 per day that Respondent is in violation of the regulation, not to exceed \$5,000. Because Respondent provided notice to the Board fifty-eight (58) days past the deadline, the total fine is \$2,160.00. Respondent has 30 days from the date of this order to pay the total fine.

#### 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.

7/12/19

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12<sup>th</sup> day of July, 2019 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:

PerformSpecialty  
2416 Lake Orange Dr., Suite 190  
Orlando, FL 32837



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Kansas Board of Pharmacy Staff