

May 18, 2023

Walgreens Pharmacy #11370
Attn: Shelby Ney (Pharmacist in Charge)
PO Box 901
Deerfield IL 60015

RE: Case No. 23-235

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 \$1,000. 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

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 23-235
Walgreens Pharmacy #11370)	
)	
<u>Pharmacy Registration Number 2-13091</u>)	

SUMMARY ORDER

NOW, on this 18th day of May 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Walgreens Pharmacy #11370 (“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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order in the above-captioned matter. After reviewing the application 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 Registration No. 2-13091 which entitles Respondent to function as a pharmacy in the State of Kansas (“Respondent’s Registration”) at 9500 Antioch Rd in Overland Park (the “Pharmacy”).
2. On March 8, 2023, the Board received a DEA 106 Report of Theft or Loss of Controlled Substances form from Respondent for a customer theft of Oxycodone HCL (IR) 10mg tablets, #40, which occurred on February 2, 2023.
3. On March 10, 2023, the Board’s inspector conducted an onsite investigation of the Pharmacy.

4. On February 2, 2023, a consumer picked up medication, including Oxycodone 10mg tablets, from the Pharmacy via the drive-through by confirming the patient's information. Later, the consumer came back to the Pharmacy reporting the patient no longer needed/wanted the medication and returned the medication. Emily Day, a licensed pharmacist employed by Respondent, received the returned medication and quarantined the medication for later disposal.

5. The patient received notification of their medication being ready for pickup, and then notification it was no longer available. The patient called the Pharmacy and reported they did not authorize the consumer to pick up the medication on their behalf.

6. The Pharmacy discovered that 40 tablets of Oxycodone 10mg were missing from the returned medication package.

7. Emily Day later filled and dispensed 120 tablets of Oxycodone 10mg to the patient, admitting that she reused 80 tablets of the previously returned and quarantined Oxycodone 10mg tablets in dispensing the medication to the patient.

8. An incident report was created in Respondent's STARS system for the dispensing incident and medication theft. Respondent also generated the DEA 106 Form. The incident report did not include the date of the incident or the license number of Emily Day.

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.S.A. 65-1627(e)(1), the Board may take action against a pharmacy upon a finding that the pharmacy has been operated in such a manner that violates the pharmacy act of the state of Kansas or any regulation adopted by the Board.

3. Pursuant to K.A.R. 68-7-12b(c), as soon as possible after discovery of the incident, the pharmacist shall prepare a report containing the following information: (2) the name of each pharmacy employee and the license number of each licensee involved; and (3) the date of the incident and the date of the report.

4. In completing the incident report, Respondent failed to include the license number of the pharmacist involved in the incident, as well as the date of the incident, in violation of K.A.R. 68-7-12b.

5. Based on the above, Respondent operated the pharmacy in violation of the regulations of the pharmacy act of the state of Kansas which is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$1,000. Respondent has 30 days from the date of this order to pay the fine by check or money order.

NOTICES

Respondent is hereby notified as follows:

1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

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 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:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

5/18/2023

Date

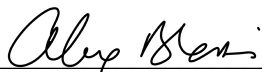


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of May 2023, 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:

Walgreens Pharmacy #11370
PO Box 901
Deerfield IL 60015



Kansas Board of Pharmacy Staff