

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
MAY 19 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Woods Pharmacy)
)
)
Registration No. 2-09412)

Case No. 16-031

SUMMARY ORDER

NOW on this 19 day of May, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Woods 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 Investigation Member 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. 2-13170 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On December 14, 2015, the Board received a notification of resignation from Beth Arnold, former Pharmacist in Charge ("PIC") of Respondent, effective December 16, 2015.
3. On January 14, 2015, the Board received a request from Rick Bhandari, Director of Pharmacy Operations for Respondent, asking for an extension until the middle of February to hire a new PIC.

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4. The request for an extension was granted until February 15, 2016.
5. On February 4, 2016, the Board received an Application for Pharmacy Registration, including a Change of PIC, from Respondent.
6. On February 10, 2016, the Board emailed the PIC exam to applicant Janet Zornes R.Ph.
7. On February 29, 2016, the Board spoke with and emailed Ms. Zornes regarding the exam and the failure to complete the PIC registration by the February 15, 2016 deadline.
8. On March 3, 2016, an Inspector for the Board, Melissa Martin, spoke with Ms. Zornes on the phone. Ms. Zornes relayed that she was unaware the PIC exam would be emailed to her, but rather, she assumed it would be mailed to her.
9. After speaking with the Board, Ms. Zornes discovered the emailed PIC exam.
10. On that date, the Board received Ms. Zornes's completed PIC exam via fax.
11. On March 4, 2016, the Board finalized the application by assigning Ms. Zornes as PIC for Respondent.
12. The effective date for the PIC change was March 3, 2016.
13. As of the effective date, 16 days had passed from the deadline for the PIC change and the Pharmacy operated without a PIC for more than 30 days.

CONCLUSIONS OF LAW

14. 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.

15. 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).

16. Since Respondent indicated that the Change of PIC was effective on December 16, 2014, Respondent had 30 days, plus the 15 day extension, to have a designated PIC, or until February 15, 2016.

17. Respondent failed to submit the complete Change of PIC application to the Board until March 3, 2016 which was 16 days beyond the window for designating a new PIC.

18. 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.

19. The failure to respond until 16 days after the expiration of the allotted time constitutes a violation.

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. Every day that Respondent is in violation of the regulation, the fine accrues \$20.00. Because Respondent was 16 days late, the fine accrued \$320.00. Respondent has 30 days from the date of this order to pay the full \$1,320.00, or July 1, 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,

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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.

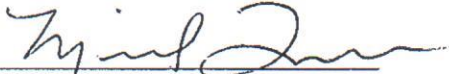
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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.

5-18-16
Date


Michael Lonergan, R. Ph.
Investigation Member
Kansas Board of Pharmacy

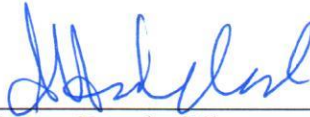
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19 day of May, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Woods Supermarkets, Inc.
Woods Pharmacy
PO Box 880
Bolivar, MO 65613

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