

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Austin Bielby)
)
License No. 1-17209)

Case No. 20-006

SUMMARY ORDER

NOW, on this 21st day of February 2020, comes before the Kansas State Board of Pharmacy (hereinafter referred to as the "Board"), through its Executive Secretary, the matter of Austin Bielby, (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 provisions of 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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent License No. 1-17209 which entitles Respondent to practice as a pharmacist in the state of Kansas.
2. At all times relevant hereto, Respondent worked as a staff pharmacist at Walgreens Pharmacy #7550, located at 7739 State Avenue in Kansas City, Kansas (hereinafter referred to as the "Pharmacy").
3. On August 19, 2019, the Board received a complaint that the Pharmacy had erroneously filled an amlodipine prescription as amitriptyline instead, which the patient allegedly received without counseling, and subsequently ingested.

4. On August 27, 2019, the Board's Inspector conducted an investigation, visiting the Pharmacy and speaking with Respondent.

5. On September 30, 2019, the Board's Inspector submitted an investigative report which noted the following:

- a. On March 12, 2019, the hard copy of the amlodipine prescription was scanned into the Pharmacy's computer database by a technician.
- b. Following the scan, a Florida-licensed technician was working at a Florida Walgreens to enter prescription order data offsite. This technician incorrectly processed the somewhat-illegible amlodipine prescription scan as amitriptyline, not verifying the drug with the prescriber.
- c. Respondent then incorrectly completed the "Up-Front Verification" of the processed prescription order, not referencing the patient profile or the original hard copy of the prescription.
- d. Contrary to the complainant, Respondent stated during the investigation that counseling *had* been provided to the patient, as Respondent counsels on all new prescriptions. The investigator noted a strong likelihood that questions would have arisen from a patient being counseled for antidepressants who was expecting to be counseled for blood pressure medication.

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. 65-1637(g), all prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber.

3. Respondent's failure to fill the prescription in strict conformity with the prescriber is a violation of K.S.A. 65-1637(g).

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Board orders the following:

For Respondent's violation of K.S.A. 65-1637(g), a fine is assessed in the amount of \$1,000. **Therefore, Respondent shall submit a check or money order in the amount of \$1,000 to the Board within 30 days from the date of this order.** Furthermore, Respondent shall complete four hours of approved continuing education on error prevention, and **provide proof of completion to the Board within 30 days from the date of this order.** These hours must be ACPE certified and will not count toward Respondent's renewal requirement.

NOTICES

Applicant is hereby notified as follows:

1. Applicant 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, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

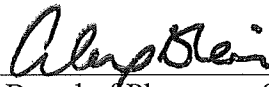
2/21/2020
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of February 2020, 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:

AUSTIN BIELBY
6434 N MULBERRY ST
KANSAS CITY, MO 64118



Kansas Board of Pharmacy Staff