

September 27, 2023

Michael J. Cubbin
1476 Joel Dr.
Ambler, PA 19002

RE: Case No. 23-328

Dear Mr. Cubbin:

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 \$80. 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 BOARD OF PHARMACY

In the Matter of)
)
Michel J. Cubbin)
)
License No. 1-106107)

Case No. 23-328

SUMMARY ORDER

NOW on this 27th day of September 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Michael J. Cubbin (“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 had previously issued Respondent License No. 1-106107 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On August 28, 2023, Respondent ceased to serve as Pharmacist-in-Charge (“PIC”) at K&K Rx Services, LP dba BioMatrix Specialty Pharmacy PA.
3. On September 18, 2023, the Board received a Change in PIC Form BA-50, notifying the Board that Respondent had ceased to serve as PIC effective August 28, 2023.
4. On or about September 18, 2023, the Board processed the PIC change.

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. 68-1-9, each pharmacist shall submit to the Board, on a form provided by the Board, notice of ceasing to serve as the pharmacist-in-charge at a pharmacy or facility required to have a pharmacist-in-charge no later than five days after ceasing to serve as the pharmacist-in-charge.

3. Respondent had five days to notify the Board of Respondent's resignation as PIC effective August 28, 2023, or until September 2, 2023.

4. Respondent failed to notify the Board of Respondent's resignation as PIC until September 18, 2023 – sixteen (16) days past the deadline.

5. Respondent violated K.A.R. 68-1-9 by failing to notify the Board of Respondent's resignation as PIC within five days.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$80 to the Board within 30 days from the date of this Order.

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.

9/27/2023

Date

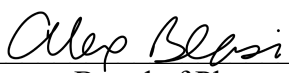
Alex Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of September 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:

Michael J. Cubbin
1476 Joel Dr.
Ambler PA 19002



Kansas Board of Pharmacy Staff