

Filed By

JUL 30 2020

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Nicholas Kirkpatrick)
)
License No. 1-106207)

Case No. 20-224

SUMMARY ORDER

NOW, on this 30th day of July 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Nicholas Kirkpatrick ("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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent License No. 1-106207 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On May 28, 2020, Respondent resigned as Pharmacist-in-Charge ("PIC") from Tailor Made Compounding (22-108376), effective immediately.
3. On June 26, 2020, the Board received a Change in PIC Form BA-50, notifying of the resignation of Respondent as PIC effective May 28, 2020.
4. On or about July 9, 2020, 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. 68-2-5, each pharmacist shall notify the board in writing within five days of ceasing to serve as the pharmacist-in-charge at a pharmacy or registrant required to have a pharmacist-in-charge. The notice shall include the pharmacist's name, the name and address of the pharmacy or registrant, and the date the pharmacist ceased to serve as the pharmacist-in-charge.

3. Respondent had five days to notify the Board of his resignation as PIC effective May 28, 2020, or until June 2, 2020.

4. Respondent failed to notify the Board of his resignation as PIC until June 26, 2020 – twenty-four (24) days past the deadline.

5. Respondent violated K.A.R. 68-2-5 by failing to notify the Board of his 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 to the Board. A violation of K.A.R. 68-2-5 warrants a base fine of \$5.00 per day that Respondent is in violation of the regulation, not to exceed \$200.00. Because Respondent provided notice to the Board twenty-four (24) days past the deadline, the total fine is \$120. Respondent has 30 days from the date of this order to pay the 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.

7/30/2020

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30th day of July 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:

NICHOLAS KIRKPATRICK
3700 HORSEMINT TRL
LEXINGTON, KY 40509



Kansas Board of Pharmacy Staff