

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
) Case No. 18-463
Michael Porterfield)
)
License No. 1-16867)

SUMMARY ORDER

NOW on this 6 day of June, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Michael Porterfield (1-16867) ("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 has previously issued Respondent License No. 1-16867 which entitles Respondent to practice as a pharmacist in the State of Kansas ("Respondent's License").
2. On May 17, 2018, Respondent resigned as Pharmacist-in-Charge ("PIC") from CVS Pharmacy #8602, effective immediately.
3. On May 29, 2018, the Board received a Change in PIC Form BA-50 from Respondent, notifying of his resignation as PIC effective May 17, 2018.
4. On or about May 29, 2018, the Board processed the PIC change.

CONCLUSIONS OF LAW

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CONCLUSIONS OF LAW

5. 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.

6. 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.

7. Respondent had five days to notify the Board of his resignation as PIC effective May 17, 2018, or until May 22, 2018.

8. Respondent failed to notify the Board of his resignation as PIC until May 29, 2018 – seven days past the May 22, 2018 deadline.

9. Respondent violated K.A.R. 68-2-5 when he failed 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 notified the Board of his resignation as PIC seven days past the deadline, the fine accrued to a total of \$35.00. Respondent has 30 days from the date of this order to pay the full \$35.00.

NOTICES

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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.

6/6/18
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of June, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Michael Porterfield
8517 Richards Rd
Lenexa, KS 66215

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