

Filed By

MAR 01 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Holly Neary)
)
Registration No. 1-13049)

Case No. 19-064

SUMMARY ORDER

NOW on this 1 day of March, 2019 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Holly Neary (1-13049) ("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 Registration No. 1-13049 which entitles Respondent to practice as a pharmacist in the State of Kansas ("Respondent's Registration").
2. On November 30, 2018, Respondent resigned as Pharmacist-in-Charge ("PIC") from Praxis Rx Specialty Pharmacy, effective immediately.
3. On December 27, 2018, the Board received a Change in PIC Form BA-50, notifying of the resignation of Respondent as PIC effective November 30, 2018.
4. On or about December 27, 2018, the Board processed the PIC change.

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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 her resignation as PIC effective November 30, 2018, or until December 5, 2018.

8. Respondent failed to notify the Board of her resignation as PIC until December 27, 2018 – 22 days past the December 5, 2018 deadline.

9. Respondent violated K.A.R. 68-2-5 when she failed to notify the Board of her 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 her resignation as PIC 22 days past the deadline, the total fine is \$110.00. Respondent has 30 days from the date of this order to pay the full \$110.00.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of March, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Holly Neary
208 Kinnaird Lane
Louisville, KY 40243

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