

April 28, 2020

NEAL SCHMIDT
447 FIELDCREST
PITTSBURG KS 66762

RE: *In the Matter of Neal Schmidt*
Case No. 19-585

Dear Mr. Schmidt:

The Kansas State Board of Pharmacy has concluded its audit of continuing education for your recent renewal. Please read the enclosed Amended Summary Order in its entirety, which includes assessment of a fine. This discipline will be reported to the National Association of Boards of Pharmacy and all future license verifications will reflect this discipline.

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 questions, please email pharmacy.compliance@ks.gov and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Amended Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
the Renewal Application of)
Neal Schmidt)
License No. 1-13397)
_____)

Case No. 19-585

AMENDED SUMMARY ORDER

NOW on April 28, 2020, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of the license renewal application of Neal Schmidt (hereinafter referred to as "Respondent") to engage in the practice of pharmacy in the state of Kansas.

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 enters this Amended Summary Order in the above-captioned matter. After reviewing the renewal 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 issued Respondent Pharmacy License Number 1-11397 authorizing Respondent to perform the functions of a pharmacist in the State of Kansas.
2. On or around June 10, 2019, Respondent submitted a renewal application to engage in the practice of pharmacy in the State of Kansas.
3. In the renewal application, Respondent requested to renew the license on active status.
4. At the end of the renewal application, Respondent agreed to the following statement prior to submitting the completed renewal application: "I hereby attest that I have completed all

continuing education hours required by law to renew my license.”

5. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours. On November 14, 2019, the Board sent a letter to Respondent's address of record requesting such proof.

6. Respondent's CPE Monitor accessed by the Board reflected 22 hours of continuing education to renew Respondent's pharmacy license. However, Respondent failed to respond to the Board's request to provide proof of Respondent's continuing education hours.

7. On December 4, 2019, the Board sent an email to Respondent's email address of record requesting proof of Respondent's continuing education hours.

8. Respondent was not eligible for obtaining prorated hours since Respondent was continuously licensed to practice for the entire biennial licensure period.

9. On December 13, 2019, the Board issued a Summary Order revoking Respondent's pharmacist license for failure to respond the requests for proof of continuing education hours.

10. On April 7, 2020, Respondent provided proof of 30 hours of continuing education to renew Respondent's pharmacist license and additional information regarding his failure to repond.

CONCLUSIONS OF LAW

11. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

12. Pursuant to K.S.A. 65-1627(a)(15), the Board may take action against the license of a pharmacist if the licensee fails to furnish to the Board, its investigators or its representatives any information legally requested by the Board.

13. Pursuant to K.A.R. 68-1-1b, 30 hours of continuing education shall be required for

renewal of a pharmacist license during each licensure period, which must be obtained in the two-year licensure period ending on the June 30 expiration date of each license.

14. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the Pharmacy Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

15. Respondent was required to provide proof of completion of 30 hours of continuing education earned between July 1, 2017 and June 30, 2019.

16. Respondent's failure to timely respond to the Board's request and supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to assess a civil fine against Respondent's pharmacist license.

ORDER

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

For Respondent's violation of K.S.A. 65-1627(a)(15), a fine is assessed in the amount of \$500. **Respondent is ordered to pay the \$500 fine by check or money order within 30 days of the date of this Order.**

NOTICES

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.

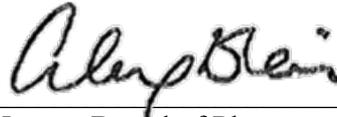
April 28, 2020
Date


Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on April 28, 2020, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

NEAL SCHMIDT
447 FIELDCREST
PITTSBURG KS 66762



Kansas Board of Pharmacy Staff

