

November 23, 2021

CATHY VINING
3745 CR 4050
INDEPENDENCE, KS 67301

RE: Case No. 21-229

Dear Ms. Vining:

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 \$50. 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)
)
Cathy Vining)
)
License No. 1-10429)

Case No. 21-229

SUMMARY ORDER

NOW, on this 23rd day of November 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Cathy Vining (“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. 1-10429 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On October 24, 2021, Respondent ceased to serve as Pharmacist-in-Charge (“PIC”) at Genoa Healthcare LLC (“the Pharmacy”), effective immediately.
3. On November 8, 2021, the Board received a Change in PIC Form BA-50, notifying of Respondent’s having ceased to serve as the Pharmacy’s PIC effective October 24, 2021.
4. On or about November 8, 2021, 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 submit to the Board, on a form provided by the Board, notice of ceasing to serve as the PIC, at a pharmacy or registrant required to have a PIC, no later than five days after ceasing to serve as the PIC.

3. Respondent had five days to notify the Board of her having ceased to serve as the Pharmacy's PIC effective October 24, 2021, or until October 29, 2021.

4. Respondent failed to notify the Board of her having ceased to serve as the Pharmacy's PIC until November 8, 2021 – ten (10) days past the deadline.

5. Respondent violated K.A.R. 68-2-5 by failing to notify the Board of her having ceased to serve as the Pharmacy's PIC within five days of such.

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 ten (10) days past the deadline, **the total fine is \$50.** Respondent has 30 days from the date of this order to pay the total \$50 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.

11/23/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23rd day of November 2021, 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:

CATHY VINING
3745 CR 4050
INDEPENDENCE, KS 67301



Kansas Board of Pharmacy Staff