

Filed By
MAR 19 2018
KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Mark Burns) Case No. 18-076
Registration No. 1-14834)

SUMMARY ORDER

NOW on this 19 day of March, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Mark Burns (1-14834) ("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. 1-14834 which entitles Respondent to practice as a pharmacist in the State of Kansas ("Respondent's Registration").
2. On February 8, 2018, Respondent resigned as Pharmacist-in-Charge ("PIC") from Walmart Pharmacy 10-2893, effective immediately.
3. On February 27, 2018, the Board received a Change in PIC Form BA-50, notifying of the resignation of Respondent as PIC effective February 8, 2018.

4. Respondent had not signed the BA-50 received by the Board, and on the signature line was written “not available, left company.”
5. On March 9, 2018 the Board processed the PIC change.
6. To date, Respondent has not notified the Board of his resignation as PIC.

CONCLUSIONS OF LAW

7. 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.

8. 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.

9. Respondent had five days to notify the Board of his resignation as PIC effective February 8, 2018, or until February 13, 2018.

10. Respondent failed to notify the Board of his resignation as PIC.

11. 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

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that Respondent is in violation of the regulation, not to exceed \$200.00. Because Respondent has not notified the Board of his resignation as PIC to date, the total fine is \$200.00. Respondent has **30 days** from the date of this order to pay the full \$200.00.

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.

3/16/18
Date

Alexandra Blasi

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

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CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19 day of March, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Mark Burns
6229 CR 1700 – PO Box 51
Elk City, KS, 67344

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