

October 11, 2023

Alan Conrady
3142 N Gouverneur
Wichita KS 67226

RE: Case No. 23-414

Dear Mr. Conrady:

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 \$1,500. 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 STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 23-414
Alan Conrady)	
)	
<u>License Number 1-09865</u>)	

SUMMARY ORDER

NOW, on this 11th day of October 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Alan Conrady ("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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order in the above-captioned matter. After reviewing the application 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. 1-09865 which entitles Respondent to function as a pharmacist in the State of Kansas (“Respondent’s Registration”).
2. On August 28, 2023, the Board received a consumer complaint regarding a prescription dispensing error at CVS Pharmacy #10075 (the “Pharmacy”) that resulted in a patient receiving 3 and ½ tablets of Percocet 7.5/325. The consumer indicated that the patient’s spouse picked up the medication and was not offered counseling by the pharmacist. Photos provided with the complaint show the ½ tablet was partially broken.
3. The patient’s medication profile shows that the patient was electronically prescribed 24 tablets of Percocet 7.5/325 at 9:41am on July 1, 2023.

4. On July 1, 2023, the patient's spouse picked up the medication at 5:20pm, almost eight hours after the prescription was received by the Pharmacy, which should ensure the Pharmacy had sufficient medication in stock to fill the prescription or had the opportunity to communicate to the prescriber about the inability to fill the prescription.

5. The Pharmacy had insufficient quantity to fill the prescription in total, so the prescription was filled by Respondent for 4 tablets and insurance billing reflects that quantity.

6. The Pharmacy's signature log shows Respondent as the pharmacist working on July 1, 2023.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, in addition to any other penalty 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.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct or professional incompetency.

3. Pursuant to K.S.A. 65-1626(vvv)(2), (3), and (7), unprofessional conduct means: intentional adulteration or mislabeling of any drug, medicine, chemical or poison; causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled; or conduct likely to deceive, defraud or harm the public.

4. Pursuant to K.S.A. 65-1627(a)(8), the Board may take action against a pharmacist upon a finding that the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the Board pursuant to the provisions of such pharmacy

act.

5. Pursuant to K.S.A. 65-1627(a)(6), the Board may take action against a pharmacist upon a finding that the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner.

6. Pursuant to K.S.A. 65-1634, every person holding a license, registration or permit under the pharmacy act of the state of Kansas who engages in the sale of drugs, medicines, chemicals and poisons shall be responsible for the quality of all such drugs, medicines, chemicals and poisons which such person may sell, compound or put up except when sold in the original and unbroken pack, package, box or other container of the manufacturer.

7. Pursuant to K.S.A. 65-1637(g), all prescriptions shall be filled or refilled in strict conformity with any directions of the prescriber.

8. Pursuant to K.A.R. 68-2-20(b), judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a pharmacist, including personally offering to counsel each patient or the patient's agent with each new prescription dispensed, once yearly on maintenance medications and, if the pharmacist deems appropriate, with prescription refills.

9. Respondent allowed the dispensed prescription label to show 4 tablets were dispensed even though only 3.5 tablets were dispensed, which is unprofessional conduct and a basis to take action against Respondent's License pursuant to K.S.A. 65-1627(a)(3).

10. Additionally, Respondent dispensed a partial, adulterated tablet to the patient which is also unprofessional conduct likely to harm the public and a basis to take action against Respondent's License pursuant to K.S.A. 65-1627(a)(3).

11. Respondent failed to demonstrate responsibility for the quality of drugs sold by the Pharmacy by allowing a partial tablet to be dispensed to the patient, which is a violation of K.S.A.

65-1634 and a basis to take action against Respondent's License pursuant to K.S.A. 65-1627(a)(8).

12. In dispensing 3.5 tablets instead of the 4 tablets noted on the label and billed to insurance, as well as by failing to fill the entire quantity of 24 tablets, Respondent failed to fill the patient's prescription in strict conformity with the directions of a practitioner or mid-level practitioner, in violation of 65-1637(g), and is a basis to take action against Respondent's License pursuant to K.S.A. 65-1627(a)(6) and (a)(8).

13. Respondent failed to offer to personally counsel the patient or the patient's agent in violation of K.A.R. 68-2-20, which is a basis to take action against Respondent's License pursuant to K.S.A. 65-1627(a)(8).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$1,500. Respondent has 30 days from the date of this order to pay the fine by check or money order.

Furthermore, Respondent shall complete three hours of additional ACPE-approved continuing education on patient counseling and three hours of additional ACPE-approved continuing education on ethics in pharmacy practice, and shall provide proof of completion to the Board within 30 days of the date of this Order. If Respondent is not already signed up for the NABP CPE monitor (free version), Respondent shall create an NABP CPE monitor profile and shall ensure that proof of completion of these penalty hours and all future required continuing education appears in the CPE monitor. Completion of penalty hours shall not count toward Respondent's next continuing education renewal requirement.

NOTICES

Respondent is hereby notified as follows:

SUMMARY ORDER

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1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

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 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 K.S.A. 77-613. 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.

10/11/2023

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11th day of October 2023, 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:

Alan Conrady
3142 N Gouverneur
Wichita KS 67226



Kansas Board of Pharmacy Staff