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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

June 20, 2022

Michael Fillmore
211 E Broadway
Augusta KS 67010

RE: Case No. 13-002

Dear Mr. Fillmore:

Enclosed you will find an Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

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

Case No. 13-002

Michael C. Fillmore, PharmD

Pharmacist Licensee 1-11143

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) that Michael C. Fillmore (Fillmore) be released from the Kansas Pharmacists Recovery Network (KsPRN) program and that Fillmore's Pharmacy license be released from probation status and reinstated without any restrictions.

Statement of Case

On June 2, 2022 the Board of Pharmacy (Board) convened a hearing to review Fillmore's request to be released from the KsPRN program and have his Pharmacy license reinstated.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members; Bill Walden, RPh; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Erick Axcell, Pharm D; Andrew Truong, Pharm D; and, Lucinda Noches Talbert, Public Member.

Fillmore appeared on his own behalf, without counsel.

Brenda Head appeared as Disciplinary Counsel for the Board.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Evidentiary Rulings

The Board offered Exhibits 1 through 3 for admission as evidence. Fillmore had no objection to admission of Exhibits 1 through 3. Board's Exhibits 1 through 3 were admitted.

Findings of Fact

1. On or about April 7, 2017 Fillmore entered into a Consent Agreement with the Board due to conduct by Fillmore involving diversion of prescription medications, including controlled substances, which belonged to a Kansas pharmacy and were ultimately consumed by Fillmore. (Exhibit 1). As part of the Consent Agreement, Fillmore agreed to enter into an agreement with KsPRN and be in full compliance with the KsPRN Statement of Understanding requirements, as well as any other KsPRN requirements, for a period of no less than five (5) years from the date of the Consent Agreement. Fillmore agreed he would not be released from the requirements of the KsPRN Statement of Understanding until he had made a request to the Board for release, appeared before the Board, and provided proof to the Board of substantial compliance with the KsPRN Statement of Understanding for a five (5) year period.

2. On May 5, 2022 the Committee on Impaired Pharmacy Practice (CIPP) met with Fillmore to perform an exit interview with Fillmore. CIPP provided a letter to the Board, dated May 6, 2022, in which the Board was advised that Fillmore had met all requirements and been in full compliance during his time in the KsPRN program. (Exhibit 2). The CIPP recommended that Fillmore be released from the KsPRN program.

3. Alexandra Blasi (Blasi), Executive Director of the Kansas Board of Pharmacy, recommended to the Board that Fillmore be released from the KsPRN Statement of Understanding and released from probation status

4. Fillmore provided testimony to the Board expressing his gratitude for the opportunity.

Applicable Statutes, Regulations and Policies

“The board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground, which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.”¹

Decision

The Board considered Fillmore’s request, finding that he had fully complied with the provisions of the April 7, 2017 Consent Agreement. Based upon his satisfactory completion of the program, the Board voted 7 in favor and none opposed to release Fillmore from the KsPRN program and that Fillmore’s Pharmacy license be released from probation status and reinstated without any restrictions.

¹ K.S.A. 65-1663(f)(1).

Jun 20, 2022

Date

Dr. Jonathan W. Brunswig, PharmD
Dr. Jonathan W. Brunswig, PharmD (Jun 20, 2022 1:06 CDT)

Jonathan Brunswig, PharmD, President
Kansas Board of Pharmacy

Notices

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.²
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.³ Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

² K.S.A. 77-529.

³ K.S.A. 77-613.

Certificate of Service

On June 20, 2022, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Michael C. Fillmore
211 E. Broadway
Augusta, KS 67010

Brenda Head
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy