

November 16, 2020

NICHOLAS HICKS
6151 NW 63rd ST, APT 2405
KANSAS CITY, MO 64151

RE: Case No. 20-286

Dear Mr. Hicks:

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 \$200. 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)
)
Nicholas Hicks)
)
License No. 1-107295)

Case No. 20-286

SUMMARY ORDER

NOW, on this 17th day of November 2020, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Nicholas Hicks (“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. 1-107295 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On July 29, 2020, Respondent served his last day as Pharmacist-in-Charge (“PIC”) at Kex Rx Pharmacy ("the Pharmacy"), effective immediately.
3. On or about August 26, 2020, the Board received from Respondent a Form LA-50 (“LA-50”), notifying the Board that he had taken on a position at Sam’s Club.
4. On October 15, 2020, the Board received from the Pharmacy a Change in PIC Form BA-50, notifying the Board that they had a new incoming PIC, effective October 3, 2020.

5. Also on October 15, 2020, the Board received from Respondent a separate Change in PIC Form BA-50 (“BA-50”), notifying the Board that, effective July 29, 2020, he had ceased to serve as the Pharmacy’s PIC.

6. On or about November 2, 2020, 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 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.

3. Respondent had five days to notify the Board of his July 29, 2020 ceasing of service as the Pharmacy’s PIC, or until August 3, 2020.

4. Respondent failed to notify the Board of his ceasing to serve as the Pharmacy’s PIC until the October 15, 2020 submission of his BA-50 – seventy-three (73) days past the August 3rd deadline.

5. Respondent violated K.A.R. 68-2-5 by failing to notify the Board of his ceasing to serve as PIC within five days of having done so.

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 seventy-three (73) days past the deadline, the total fine is \$200. Respondent has 30 days from the date of this order to pay the 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.

11/17/2020

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17th day of November 2020, 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:

NICHOLAS HICKS
6151 NW 63rd ST, APT 2405
KANSAS CITY, MO 64151



Kansas Board of Pharmacy Staff