

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Andrew Holzschuh)
)
Registration No. 1-103027)

Case No. 18-647

SUMMARY ORDER

NOW on this 28 day of December, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Andrew Holzschuh (1-103027) ("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. 1-103027 which entitles Respondent to practice as a pharmacist in the State of Kansas ("Respondent's Registration").
2. Respondent started working for Walgreens Pharmacy on August 16, 2017.
3. Respondent completed the first step of Walgreens Kansas Vaccination Standing Order Protocol Acknowledgment module during his training; however, a glitch occurred that prevented Respondent from being able to sign the protocol.
4. Because of the glitch that occurred, Respondent failed to ever sign the protocol.

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5. On fifty-one occasions between September 6, 2017 and October 12, 2017, Respondent administered vaccinations to Kansas residents without first signing Walgreens Pharmacy's vaccination protocol. Additionally, Respondent continued to administer vaccinations even after he became aware that he did not have a signed protocol to do so.

CONCLUSIONS OF LAW

6. 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.

7. Pursuant to K.S.A. 65-1635a(a), a pharmacist may administer influenza vaccine to a person six years of age or older and may administer vaccine, other than influenza vaccine, to a person 12 years of age or older pursuant to a vaccination protocol if the pharmacist has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine.

8. Respondent's failure to sign the protocol means that Respondent did not have a vaccination protocol in place at the time he administered fifty-one vaccinations.

9. Respondent's administration of vaccinations to patients without a vaccination protocol in place is a violation of K.S.A. 65-1635a(a).

ORDER

Based upon the foregoing findings of fact and conclusions of law, as well as Respondent's awareness of his violation of the Kansas Pharmacy Practice Act, Respondent is ordered to pay a fine of \$500.00 to the Board. Respondent has 30 days from the date of this order to pay the full \$500.00.

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.

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12/28/18

Date



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 27 day of December, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Andrew Holzschuh
2123 Hampshire Dr.
Jefferson City, MO 65109

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