

February 21, 2024

Steven Kuder
514 Spruce
Moundridge KS 67107

RE: Case No. 24-021

Dear Mr. Kuder:

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 \$4,500. 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 BOARD OF PHARMACY

In the Matter of)
) Case No. 24-021
STEVEN KUDER, R.PH.)
Kansas License No. 1-13961)
_____)

SUMMARY ORDER

NOW on this 21st day of February, 2024, comes before the Kansas Board of Pharmacy (“Kansas Board”), through its Investigation Member, the investigation of a report made to the Kansas Securities Commission Anti-Fraud Unit concerning insurance claims being submitted by Steven Kuder, R.Ph. (“Licensee”) which did not appear to have been dispensed.

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq* (“Pharmacy Act”), and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board’s Investigation Member enters this Summary Order in the above-captioned matter. After reviewing the investigation materials, the Board’s records and being otherwise duly advised in the premises, the Investigation Member makes the following findings, conclusions, and order:

FINDINGS OF FACT

For purposes of this Order, the Board’s Investigative Member makes the following findings of fact:

1. On November 16, 2022, the Kansas Board was contacted by the Securities Enforcement and Insurance Anti-Fraud Office of the Kansas Securities Commission regarding an investigation of alleged insurance fraud involving COVID test kits and Licensee.

2. Licensee owns CK Pharmacy in McPherson, Kansas, CK Pharmacy in Peabody, Kansas and CK Pharmacy in Moundridge, Kansas.

3. On December 15, 2022, the Kansas Board's Inspectors conducted on-site visits to the three pharmacies owned by the Licensee to investigate the ordering records, dispensing records, patient profile records, billing records, sales records and recordkeeping related to each pharmacies' dispensed QuickVue At-Home OTC COVID-19 test kits (NDC 14613033972) and the Inspectors were unable to reconcile numerous records.

4. The Licensee was unable to produce any purchase history for the 942 QuickVue At-Home OTC COVID-19 tests shown to have been dispensed for any of the three pharmacies owned by Licensee, except for the purchase of 15 QuickVue COVID tests which were purchased December 16, 2022, the day after the Kansas Board's inspection.

5. On November 29, 2023, Licensee admitted that he had discovered the NDC for a different COVID test had gotten linked to the QuickVue NDC in their software system, creating incorrect dispensing information and prescription labels for the QuickVue tests, although that was not the product which was scanned, labeled or provided to patients resulting in the misbranding of the tests.

CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-657, it is unlawful for any person to process, store or distribute any drug that is misbranded as defined by K.S.A. 65-669.

7. Pursuant to K.S.A. 65-1627(a), the Kansas Board may revoke, suspend, place in probationary status or deny any application of any license of any pharmacist upon finding that: (5) violated a provision of the federal or state food, drug and cosmetic act, the federal or state uniform controlled substance act or any rule and regulation under any such act.

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8. Licensee's dispensing of misbranded COVID test kits is the basis for discipline against his Kansas License.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Licensee is ordered:

A. EDUCATION. Licensee is hereby ordered that within six (6) months of the entry of this Summary Order, he shall obtain no less than two (2) one hour courses of ACPE approved continuing education, one on the topic of ethics in pharmacy and one hour on the topic of medication errors. Each entity that administers a course must notify the Board that Licensee has successfully completed the course. The continuing education hours contemplated herein shall not count toward continuing education required for biennial licensure renewal.

B. ADMINISTRATIVE FINE. Licensee is ordered to pay an administrative fine in the amount of Four Thousand Five Hundred Dollars (\$4,500.00), to be paid to the Kansas Board within sixty (60) days of this Order.

NOTICES

The Licensee is hereby notified as follows:

9. The Licensee 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.

10. If a hearing is not requested as described above, this Summary Order disciplining Licensee's license shall become a final order of the Kansas Board, effective upon the expiration of the time to request a hearing.

11. 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.

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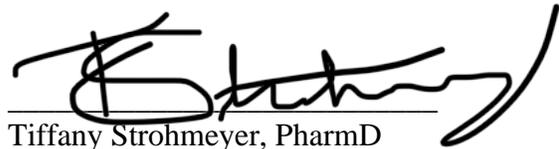
12. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

February 21, 2024

Date



Tiffany Strohmeyer, PharmD
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of February, 2024, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Steven Kuder, R.Ph.
514 Spruce
Moundridge, KS 67107



Representative of the
Kansas Board of Pharmacy