

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Andrew Lincoln) Case No. 16-220
Registration No. 1-16658)

SUMMARY ORDER

NOW on this 22 day of January, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Andrew Lincoln ("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. 1-6658 which entitles Respondent to serve as a pharmacist in the State of Kansas ("Respondent's Registration").

2. On or about January 25, 2017, a Board investigator completed an inspection of Respondent's facility and incident records, in response to a complaint by a patient who suffered an adverse reaction from medication dispensed at Respondent's facility, where Respondent also served as the Pharmacist in Charge ("PIC").

3. During the inspection, no documentation could be located that detailed the patient receiving any counseling prior to or at the time of the medication being dispensed.

4. Respondent provided an incomplete incident report after the onsite investigation. The incident report failed to document the date of the report or include the signatures of all pharmacy staff involved in the incident at-issue.

5. Respondent was additionally unable to provide incident reports and continuous quality improvement (“CQI”) reports or documentation during the course of the investigation.

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. 1695(a), each pharmacy shall maintain a CQI program for the purposes of assessing errors that occur in the pharmacy in the dispensing of prescriptions.

8. Pursuant to K.A.R. 68-7-12(c), an incident report shall contain the signatures of all pharmacy employees involved in an incident, and that the PIC shall be responsible for maintaining the incident report system.

9. Respondent failed to maintain a CQI system or records of incidents, as well as failing to properly complete an incident report, in violation of K.S.A. 1695(a) and K.A.R. 68-7-12(c).

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. 68-7-12(c) warrants a fine of \$500.00. A violation of K.S.A. 1695(a) warrants a fine of \$4,000.00, which shall be reduced to \$2,000.00 if Respondent comes into compliance in regards to the lack of CQI within 45 days of this order. Respondent has 60 days from the date of this order to pay the full \$4,500.00 or \$2,500.00, or until March 21, 2018.

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

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IT IS SO ORDERED.

4/22/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of January, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Andrew Lincoln
7611 High Dr.
Prairie Village, Kansas 66208

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