

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Thomas Orel, R.Ph.)
 Pharmacist)
Registration No. 1-16982)

Case No. 16-192B

SUMMARY ORDER OF REVOCATION

NOW on this 5 day of February, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Thomas Orel, R.Ph., Pharmacist ("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 of Revocation 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

For purposes of this order, the Board's Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent Pharmacist License Number 1-16982, authorizing him to perform the functions of a pharmacist in the State of Kansas ("Respondent's Registration").

2. At all times relevant hereto, Respondent work as a Pharmacist at Shopko Pharmacy #2702 located at 908 E. 14th St., Larned, KS 67550 ("Pharmacy") and functioned as managing pharmacist and the Pharmacist-in-Charge ("PIC") for the Pharmacy.

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3. Upon investigation of Respondent's Pharmacy, the Board's investigative member recorded the following findings:

- a. Respondent failed to perform an inventory of controlled substances upon becoming PIC for the Pharmacy.
- b. Respondent failed to perform an inventory of controlled substances upon ceasing to serve as PIC for the Pharmacy.
- c. While functioning as PIC for the Pharmacy, Respondent failed to develop, supervise and coordinate effective controls and procedures to guard against theft and diversion of controlled substances.
- d. While functioning as PIC for the Pharmacy, Respondent left the open and operating Pharmacy for extended periods of time and allowed pharmacy technicians to perform functions of a pharmacy technician without being supervised by a licensed Pharmacist, allowed pharmacy technicians to perform judgmental functions that constituted the filling and refilling of prescriptions, and allowed pharmacy technicians to dispense prescriptions.
- e. While functioning as PIC for the Pharmacy, Respondent failed to ensure that the Pharmacy maintained records and kept inventories of controlled substances.
- f. While functioning as a pharmacist and PIC for the Pharmacy, Respondent allowed prescriptions to be dispensed without a pharmacist personally offering to counsel the patient or patient's agent.
- g. While functioning as a pharmacist and PIC for the Pharmacy, Respondent failed to create records of Pharmacy's Continuous Quality Improvement meetings.

- h. Since leaving the employment of Pharmacy, Respondent failed to renew his Kansas License and it has been administratively cancelled.

CONCLUSIONS OF LAW

4. Pursuant to K.S.A. 65-1627(a)(8), the Board may revoke the license from any pharmacist who has violated a provision of the pharmacy act of the State of Kansas.

5. Pursuant to K.A.R. 68-7-12(f), a PIC shall inventory all controlled substances within 72 hours of beginning to function as PIC.

6. Pursuant to K.A.R. 68-7-12(e), a PIC shall inventory all controlled substances before ceasing to function in the PIC position.

7. Pursuant to K.A.R. 68-7-12(a) and K.A.R. 68-20-15a(a), a PIC shall develop supervise and maintain systems to effectively guard against theft and diversion of controlled substances.

8. Pursuant to K.A.R. 68-2-20(b), judgmental functions that constitute a filling or refilling of a prescription shall be performed only by a licensed pharmacist.

9. Pursuant to K.A.R. 68-20-16, a PIC shall take inventory of all controlled substances in the Pharmacy.

10. Pursuant to K.A.R. 68-2-20(c), the pharmacist shall offer to counsel the patient with each new prescription dispensed.

11. Pursuant to K.S.A. 65-1637, only a licensed pharmacist may dispense prescriptions.

12. Pursuant to K.S.A. 65-1695, a PIC shall maintain records of the Pharmacy's Continuous Quality Improvement ("CQI") meetings.

13. Pursuant to K.S.A. 65-1627(a)(3), the Board may revoke the license from any pharmacist who has been found guilty of professional incompetency.

14. Pursuant to K.S.A. 65-1626(hhh), professional incompetency means repeated instances of failing to adhere to the applicable standards of pharmaceutical care.

15. Based on the conduct listed in paragraphs 3(a)-(h) and the following conclusions of law, Respondent has systemically failed to comply with the Kansas Pharmacy Act, thereby providing grounds to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(8).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's license is hereby REVOKED.

NOTICES

The Respondent is hereby notified as follows:

16. 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.

17. If a hearing is not requested as described above, the Order revoking the Respondent's Registration, as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

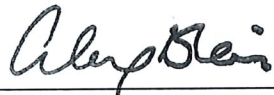
18. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

19. 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.

2/5/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5 day of February, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Thomas P. Orel, R.Ph.
5345 Genessee Road
Brownsville, NY 14026



Kansas Board of Pharmacy Staff