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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 20, 2020

MICHAEL McDANIEL
6324 NW KELSHAR DR
TOPEKA, KS 66618

RE: Case No. 20-032

Dear Mr. McDaniel:

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 \$60. 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)
)
Michael McDaniel)
)
License No. 1-11364)

Case No. 20-032

SUMMARY ORDER

NOW, on this 20th day of March 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Michael McDaniel ("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. 1-11364 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On February 24, 2020, Respondent was terminated as Pharmacist-in-Charge ("PIC") from Stormont Vail Retail Pharmacy, effective immediately.
3. On March 9, 2020, the Board received from Stormont Vail Retail Pharmacy a Change in PIC Form BA-50, documenting their incoming PIC.
4. On March 9, 2020, the Board processed the PIC change.
5. On March 12, 2020, the Board received Respondent's Change in PIC Form BA-50, notifying of his termination as PIC effective February 24, 2020.

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 Respondent's termination as PIC effective February 24, 2020, or until February 29, 2020.

4. Respondent failed to notify the Board of Respondent's termination as PIC until March 12, 2020 – twelve (12) days past the deadline.

5. Respondent violated K.A.R. 68-2-5 by failing to notify the Board of Respondent's termination as PIC within five days.

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 twelve (12) days past the deadline, the total fine is \$60. Respondent has 30 days from the date of this order to pay the fine.

NOTICES

SUMMARY ORDER

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.

3/20/2020

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of March 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:

MICHAEL McDANIEL
6324 NW KELSHAR DR
TOPEKA, KS 66618



Kansas Board of Pharmacy Staff