

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Patrick Moloney, R. Ph.)
)
Pharmacist)
)
License No. 1-12911)

Case No. 15-250

Filed By
APR 22 2016
KANSAS STATE
BOARD OF PHARMACY

AMENDED SUMMARY ORDER

NOW on this 22 day of April, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Patrick Moloney, R. Ph. ("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 Investigation Member enters this Amended 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 License No. 1-12911 which entitles Respondent to function as a pharmacist in the State of Kansas ("Respondent's License").
2. On September 15, 2015, the Board received a written notification of a pharmacist in charge ("PIC") change from Option Care stating that Respondent would be stepping down as the PIC, effective on that date.
3. Thereafter, the Board did not receive the required notification of a PIC change from the Respondent within five days of his resignation.

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4. On December 17, 2015, an investigator for the Board interviewed Respondent about the violation. During the meeting, Respondent provided a backdated resignation letter upon the investigator's request.

5. During the December 17, 2015 meeting, Respondent produced no evidence to show that the change of PIC controlled substance inventory was completed.

6. During the meeting, Respondent and the new PIC signed a monthly controlled substance inventory that the pharmacy had on record.

CONCLUSIONS OF LAW

7. 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.

8. Pursuant to K.A.R. 68-2-5, each outgoing PIC shall notify the Board within five days of ceasing to serve as the PIC of a pharmacy.

9. Pursuant to K.A.R. 68-7-12(e), each outgoing PIC who will no longer be performing the functions of the PIC position shall inventory all controlled substances in the pharmacy before leaving the PIC position.

10. On December 17, 2015, Respondent provided a backdated resignation notice to the Board's investigator

11. Because Respondent failed to notify the Board of his resignation as PIC within five days of September 15, 2015, Respondent violated K.A.R. 68-2-5.

12. Though Respondent and the new PIC signed an existing inventory list of all controlled substances in the pharmacy on December 17, 2015, the failure to create a new

outgoing inventory list on or around September 15, 2015, constituted a violation of K.A.R. 68-7-12(e).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$500.00. A violation of K.A.R. 68-2-5 and K.A.R. 68-7-12(e) warrants a fine of \$500.00. Respondent has 30 days from the date of this order to pay the full \$500.00, or until Monday, May 23rd, 2016.

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. 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.
3. 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.

4/21/16
Date


Michael Lonergan, R. Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of April, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Amended Summary Order, properly addressed to the following:

Patrick Moloney
4920 Rock Creek Lane
Mission, KS 66205

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