

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Ad Astra Pharmacy)
dba Kellstrom Pharmacy)
)
Registration No. 2-108660)

Case No. 19-351

SUMMARY ORDER

NOW on this 5th day of June, 2019 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Ad Astra Pharmacy, dba Kellstrom Pharmacy ("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. 2-108660 which entitles Respondent to function as a Pharmacy in the State of Kansas ("Respondent's Registration").
2. On March 1, 2019, John Kellstrom resigned as Pharmacist-in-Charge ("PIC") from Ad Astra Pharmacy, dba Kellstrom Pharmacy, effective immediately.
3. On April 2, 2019, the Board received a Change in PIC Form BA-50, notifying the Board of a change in Respondent's PIC on March 1, 2019 and indicating that Milka Goodlett had assumed the PIC position on March 2, 2019. However, the Change in PIC Form was not received with the necessary payment and was considered incomplete.

4. On April 15, 2019, the Board received the required payment and requested the new PIC, Milka Goodlett, complete the PIC examination in order to complete the PIC change.

5. On May 3, 2019, the Board send Ms. Goodlett a reminder that the PIC exam had not yet been completed and therefore the Change in PIC was incomplete.

6. On or about May 6, 2019, the Board received Ms. Goodlett's completed PIC examination and processed the PIC change.

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. 68-1-2a(b), each pharmacy required to have a PIC that operates for more than 30 days without a designated PIC shall be deemed to be in violation of K.S.A. 65-1627(e).

3. Since Respondent's previous PIC resigned effective March 1, 2019, Respondent had 30 days to designate a PIC by completing notification to the Board, or until March 31, 2019.

4. Respondent failed to submit a complete Change of PIC application including payment and completion of the PIC examination to the Board until May 6, 2019, which was thirty-six (36) days beyond the 30-day window for designating a new PIC.

5. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide a completed application for a designated PIC to the Board within 30 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. 68-1-2a(b) warrants a base fine of \$1,000 plus

\$20.00 per day that Respondent is in violation of the regulation, not to exceed \$5,000. Because Respondent provided notice to the Board thirty-six (36) days past the deadline, the total fine is \$1,720. Respondent has 30 days from the date of this order to pay the fine.

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

IT IS SO ORDERED.

6/5/19

Date

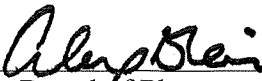


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of June, 2019 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:

Kellstrom Pharmacy
1860 Claflin Rd
Manhattan KS 66502



Kansas Board of Pharmacy Staff