

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 19-318
Alorica Customer Care, LLC)	
)	
<u>Registration No. 22-104412</u>)	

SUMMARY ORDER

NOW on this 8th day of May, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Alorica Customer Care, LLC (22-104412) ("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. 22-104412 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about March 23, 2019, Cynthia Maciak (1-15453) resigned as pharmacist-in-charge (PIC) from Respondent's facility, effective immediately.
3. On April 25, 2019, Ryan Curtis (1-109143) started as the new PIC of Respondent's facility.

4. On May 6, 2019, the Board received Respondent's BA-50 Change in PIC Form, notifying the Board of the new PIC.

5. The May 6, 2019 notification was the first time the Board received notification from Respondent regarding the new PIC.

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.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).

8. Since Cynthia Maciak's last day as PIC was March 23, 2019, Respondent had 30 days, or until April 22, 2019, to designate a new PIC by notification to the Board.

9. Respondent failed to submit the complete Change of PIC application to the Board until May 6, 2019, which was 14 days beyond the 30-day window for designating a new PIC.

10. 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 \$1,000.00. Every day that Respondent is in violation of the regulation, the fine accrues \$20.00. Because

Respondent was 14 days late, the fine accrued \$280.00. Respondent has 30 days from the date of this order to pay the full \$1,280.

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

IT IS SO ORDERED.

8/8/19
Date

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

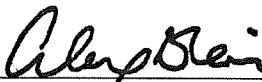
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of May, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Alorica Customer Care, LLC
2929 E Corona Rd
Tuscon, AZ 85756

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