

January 26, 2022

CAREFIRST PHARMACY, INC
2530 N ELM PL
BROKEN ARROW, OK 74012

RE: Case No. 22-042

To whom it may concern:

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.

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)
CareFirst Pharmacy, INC) Case No. 22-042
Registration No. 22-103918)

SUMMARY ORDER OF REVOCATION

NOW, on this 26th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of CareFirst Pharmacy, INC (“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 application 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. 22-103918 which entitles Respondent to function as a Nonresident Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On July 5, 2021, Respondent’s Pharmacist-in-Charge (“PIC”) ceased to serve as such, effective immediately.
3. On August 25, 2021, the Board sent Respondent an email letter stating that pursuant to Kansas law, a pharmacy must have a new PIC in place within 30 days of the outgoing PIC’s last day. At the time of the letter, it had already been 51 days since the outgoing PIC’s last day on July 5, 2021. The letter requested Respondent immediately submit the BA-50 Change in PIC Form designating its new PIC.

4. On August 27, 2021, the Board received from Respondent a request for a 30-day waiver of the requirement, allowing Respondent additional time during which to secure a new PIC.

5. On September 13, 2021, the Board received from Respondent a second request for a further 30-day waiver of the requirement, allowing Respondent further additional time during which to secure a new PIC.

6. On October 12, 2021, the Board received from Respondent a third and final request for a further 30-day waiver of the requirement, allowing Respondent further additional time during which to secure a new PIC.

7. To date, the Board has still not received a BA-50 Change in PIC Form from Respondent designating its new PIC.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1657(f), the Board may revoke any nonresident pharmacy registration on any ground that would authorize the Board to revoke the registration of a pharmacy under K.S.A. 65-1627, and amendments thereto.

2. Pursuant to K.S.A. 65-1627(e)(1), the Board may revoke the registration of a pharmacy upon a finding that such pharmacy has been operating in violation of the Pharmacy Act of the State of Kansas or any regulations thereunder.

3. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a PIC, as defined by K.S.A. 65-1626 and amendments thereto, who shall be responsible for receiving communications from the Board.

4. Pursuant to K.S.A. 65-1626(ww) and (xx), a PIC is defined as a pharmacist licensed by the Board.

5. Since Respondent's previous PIC ceased to serve as such effective July 5, 2021, Respondent had 30 days to designate a PIC by notification to the Board, or until August 4, 2021.

6. Since Respondent applied for three 30-day waivers during which to designate a new PIC, Respondent's deadline to designate a new PIC was extended a total of 90 days, or until November 2, 2021.

7. To date, Respondent has not designated a new PIC licensed by the Board.

8. Respondent's failure to designate a Kansas-licensed PIC is a violation of K.A.R. 68-7-12a(a)(4) and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1657(f).

ORDER

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

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.

1/26/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of January 2022, deposit in business mail a copy of the foregoing Summary Order of Revocation, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

CAREFIRST PHARMACY, INC
2530 N ELM PL
BROKEN ARROW, OK 74012



Kansas Board of Pharmacy Staff