

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of

CVS PHARMACY #05271
LICENSE NO. 2-09939

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Case No. 13-11

AGENCY ORDER

CVS PHARMACY #05271 (the "Respondent") is currently licensed as a pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued license No. 2-09939. At all times relevant hereto, the Respondent has held a current license to operate a pharmacy in the State of Kansas.

The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has operated in a manner that violates the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

After considering the foregoing, the Board's Investigative Member, in accordance with the authority granted by the Board, enters the following agency summary order.

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 2-09939 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. That on January 13, 2013, the Board received a consumer complaint alleging Respondent had dispensed an incorrect medication to her.
3. The Complainant stated that upon discovery of the mistake, she discussed the situation in person at the pharmacy with a pharmacy technician and at no time was a pharmacist or store manager brought into the conversation by the technician.

4. On January 28th, a Board Inspector visited Respondent regarding the complaint and spoke with a staff pharmacist

5. The pharmacist was not aware of the incident as the pharmacy technician did not bring a pharmacist into the situation upon notification of the mistake by the customer.

4. At the time of the inspection, no incident report or continuous quality improvement report was provided by the pharmacy.

II. CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627 (e) (1) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that (1) such pharmacy has been operated in such a manner that violations of the provisions of the pharmacy act of the state or the rules and regulations of the board have occurred in connection therewith.

2. K.A.R. 68-7-12 states in relevant part that “Any incident that occurs as a result of an alleged or real error in filling or dispensing a prescription or medication order is brought to the attention of the pharmacist-in-charge and completely documented in accordance with the requirements of K.A.R. 68-7-12b.

3. Respondent’s failure to document an incident report when complainant’s medication was filled incorrectly is a violation of K.A.R. 68-7-12.

ORDER

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of \$1000 for failure to document an incident report when Complainant’s medication was filled incorrectly which is a violation of K.A.R. 68-7-12. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

Additionally, Respondent is ordered to conduct a continuous quality improvement meeting as defined in K.A.R 68-19-1 regarding the aforementioned incident. At this meeting, Respondent

must address and document how they will make sure staff members will not make unilateral decisions without engaging the assistance of a licensed pharmacist when errors in dispensing or patient complaints occur. A copy of the continuous quality improvement meeting report must be submitted to the Board within 30 days of receipt of this Order.

IT IS SO ORDERED.

III. NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, Kansas 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:

Debra Billingsley, Executive Director

Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612-1231
Phone: 785-296-4056

6/6/13



Date

Investigative Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17th day of June, 2013, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

CVS/PHARMACY #05271
9501 NALL AVENUE
OVERLAND PARK, KS 66207

KANSAS CVS PHARMACY, LLC
ATTN: LEGAL DEPT.
ONE CVS DRIVE
WOONSOCKET, RI 02895


Christina Morris
Assistant Director, Disciplinary Counsel
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231