

May 19, 2023

CVS Pharmacy #8585
Attn: Pharmacist In Charge
One CVS Drive, Licensing MC1160
Woonsocket RI 02895

RE: Case No. 22-176

Attn: Pharmacist-in-Charge:

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. In addition, a civil fine has been assessed totaling \$1,000. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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 STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 22-176
CVS Pharmacy #8585)	
)	
<u>Registration Number 2-10062</u>)	

SUMMARY ORDER

NOW, on this 19th day of May 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of CVS Pharmacy #8585 ("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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent Registration No. 2-10062 which entitles Respondent to operate as a pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On February 10, 2022, the Board received a consumer complaint from a patient that accidentally injected herself with an incorrect dose of insulin alleging that she was unfamiliar with the drug and was not counseled by the pharmacist at the time of dispensing. The patient contacted the pharmacy on December 30, 2021 indicating she injected 80 units of insulin instead of 8 units.
3. The Board’s inspector conducted an in-person investigation of Respondent’s pharmacy located at 12691 Antioch, in Overland Park, Kansas (the “Pharmacy”). During the investigation, it was noted that the patient was dispensed tuberculin syringes instead of insulin

syringes with her medication, which were later returned by the patient and replaced with insulin syringes.

4. Pharmacy staff generated an incident report, which indicated the date of the incident as January 17, 2022, the ingestion amount was unknown, and the quantity returned was zero.

5. The inspector reviewed the incident report and quarterly report from the Continuous Quality Improvement (CQI) meeting conducted where the incident report was reviewed. The inspector noted the following:

- a. The CQI report is weak in preventative measures to ensure the prevention of the same type of incident from recurring when stating: “confirm product being injected.”
- b. The quarterly CQI report did not document review of the Board newsletter.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, in addition to any other penalty 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.S.A. 65-1627(e)(1), the Board may take action against a pharmacy upon a finding that such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith.

3. Pursuant to K.A.R. 68-19-1, each pharmacy's CQI program shall meet the following minimum requirements:

- a. Meet at least once each quarter of each calendar year;

- b. have the pharmacy's PIC in attendance at each meeting; and
- c. perform the following during each meeting:
 - i. Review all incident reports generated for each reportable event associated with that pharmacy since the last quarterly meeting;
 - ii. for each incident report reviewed, establish the steps taken or to be taken to prevent a recurrence of the incident;
 - iii. review each Board newsletter published since the last quarterly meeting; and
 - iv. create a report of the meeting, including at least the following information:
 - 1. A list of the persons in attendance;
 - 2. a list of the incident reports and Board newsletters reviewed; and
 - 3. a description of the steps taken or to be taken to prevent recurrence of each incident reviewed.

4. Respondent failed to document review of the Board newsletter in the CQI report and failed to provide adequate steps to be taken to prevent a recurrence of the incident, in violation of K.A.R. 68-19-1.

5. By failing to ensure Respondent's pharmacy was operated in compliance with the incident reporting and CQI reporting requirements, Respondent is subject to action by the Board pursuant to K.S.A. 65-1627(e)(1) for violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the Board.

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 \$1,000. Respondent has 30 days from the date of this order to pay the fine by check or money order.

NOTICES

Respondent is hereby notified as follows:

1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

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 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 K.S.A. 77-613. 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.

5/19/2023

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19th day of May 2023, 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:

CVS Pharmacy #8585
Attn: Pharmacist in Charge
One CVS Drive, Licensing MC1160
Woonsocket RI 02895



Kansas Board of Pharmacy Staff