

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
NOV 06 2006
KANSAS STATE
Board of Pharmacy

In The Matter Of)

CVS PHARMACY #8608)
LICENSE NO. 2-10071)

Case No. 06-89

AGENCY ORDER

CVS PHARMACY 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. 2-10071. 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 Investigation Member, in accordance with the authority granted to her by the Board, enters the following agency 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 2-10071 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").

2. That on September 8, 2006 a routine inspection was conducted whereby it was discovered that the pharmacy was operating without a pharmacist in charge. That the licensee had notified the Board office that Timothy P. Reel was no longer the PIC effective July 30, 2006. The medication bottles were labeled with Alfred Jackson as being the Pharmacist in Charge although the Board has never received any paperwork naming a new PIC after Mr. Reel.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a license number on June 1, 2006 pursuant to K.S.A. 65-1643.
2. That pursuant to K.A.R. 68-1-2a(b) each pharmacy or registrant that operates for more than 30 days without a designated pharmacist in charge is in violation of K.S.A. 65-1627(e).
3. That K.S.A. 65-1627 (e) states that the Board may revoke, suspend, place in a probationary status or deny a renewal of the registration of the pharmacy upon a finding that (1) such pharmacy has 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.

ORDER

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of One Thousand Eight Hundred Dollars (\$1,800)

for operating a pharmacy for a period in excess of 30 days without a pharmacist in charge. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

II. 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, 900 SW Jackson, Ste. 560, 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
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231
Phone: 785-296-4056
Fax: 785-296-4056

IT IS SO ORDERED.

Date 10/24/06

JoAnne Gilstrap
JoAnne Gilstrap, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of November, 2006,
deposit in the United States mail, postage prepaid, a copy of the foregoing
AGENCY ORDER, properly addressed to the following:

CVS Pharmacy # 8608
4645 Shawnee Drive
Kansas City, KS 66106

Susan Del Monico
CVS Corporate
One CVS Drive
Woonsocket, RI 02895

Debra Billingsley
Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231