

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Foothills Professional Pharmacy, LTD )  
 )  
Registration No. 22-104535 )

Case No. 19-034

**SUMMARY ORDER**

NOW on this 30 day of January, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Foothills Professional Pharmacy, LTD (22-104535) ("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. 22-104535 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas ("Respondent's Registration").
2. On November 22, 2018, Melissa Duchscherer resigned as Pharmacist in Charge (PIC) from Respondent's facility, effective immediately.
3. On January 9, 2019, Austin Lucht became the PIC for Respondent's facility, effective immediately.

4. On January 17, 2019, the Board received a BA-50 Change in PIC form from Respondent, notifying of the change in PIC from Melissa Duchscherer to Austin Lucht.

#### CONCLUSIONS OF LAW

5. 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.

6. 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).

7. Since Melissa Duchscherer's last day as PIC was November 22, 2018, Respondent had 30 days, or until December 22, 2018, to designate a new PIC with the Board

8. Respondent failed to submit the complete Change of PIC application to the Board until January 17, 2019, which was 26 days beyond the 30-day window for designating a new PIC.

9. 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 26 days late, the fine accrued \$520.00. Respondent has 30 days from the date of this order to pay the full \$1,520.00.

*Matter of Foothills Professional Pharmacy, LTD, No. 19-034 (Kan. Bd. of Pharmacy)*

**SUMMARY ORDER**

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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.

11/30/19  
\_\_\_\_\_  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30 day of January, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Foothills Professional Pharmacy, LTD  
4545 E Chandler Blvd #100  
Phoenix, AZ 85048

and the original hand delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612



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Kansas Board of Pharmacy Staff