

March 14, 2023

Graves Drug Store of Emporia  
Attn: Pharmacist In Charge  
609 Commercial  
Emporia KS 66801

RE: Case No. 22-180

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 \$5,000. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

In lieu of additional disciplinary action, the Board strongly recommends each staff pharmacist complete 3 hours of ACPE-approved continuing education on medication errors within 60 days of the date of this Order.

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of	)	
	)	Case No. 22-180
Graves Drug Store of Emporia	)	
	)	
<u>Registration Number 2-08035</u>	)	

**SUMMARY ORDER**

NOW, on this 14th day of March 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Graves Drug Store of Emporia (“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. 2-08035 which entitles Respondent to operate as a pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On March 24, 2022, two Board inspectors (the “Inspectors”) conducted an in-person inspection of Respondent’s pharmacy located at 609 Commercial, in Emporia, Kansas. During the inspection, the Inspectors reviewed 62 incident reports and quarterly reports from Continuous Quality Improvement (CQI) meetings conducted on March 10, 2021 and January 11, 2022. The Inspectors noted the following:
  - a. The name of the verifying pharmacist was not included on 36 incident reports.

- b. The name and license number of each licensee or registrant involved in the incident was incomplete or insufficient on 41 incident reports.
- c. The signature of each licensee or registrant involved in the incident was missing on 41 incident reports.
- d. Respondent did not provide a CQI report for the second, third, and fourth quarter of 2021.
- e. The quarterly CQI reports for March 10, 2021 or January 11, 2022 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 place on probation and 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. 68-2-20(b), those judgmental functions that constitute the filling or refilling of a prescription shall be performed only by a licensed pharmacist or by a pharmacy student or intern under the direct supervision of a licensed pharmacist and shall consist of the following steps: (4) identify, in the pharmacy record, the pharmacist who verifies the accuracy of the completed prescription.

4. Pursuant to K.A.R. 68-7-12b, the PIC shall ensure that procedures exist requiring each

pharmacist who becomes aware of a reportable incident to report the incident to the PIC as soon as practical and prepare a report containing the following information:

- a. The name, address, age, and phone number of any complainant, if available;
- b. the name of each pharmacy employee and the license number of each licensee involved;
- c. the date of the incident and the date of the report;
- d. a pharmacist's description of the incident;
- e. the prescriber's name and whether or not the prescriber was contacted; and
- f. the signatures of all pharmacy employees involved in the incident.

The PIC shall ensure that procedures exist requiring that the incident report be maintained in the pharmacy for at least five years in a manner so that the report can be provided to the Board. The preparation of an incident report that meets the requirements shall be the responsibility of each pharmacist involved in the incident and the PIC. The maintenance of incident reports as required by this regulation shall be the responsibility of the PIC.

5. 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.

6. The Inspectors discovered missing, deficient, or defective information on 62 incident reports at Respondent's pharmacy, specifically: 36 incident reports failed to include the name of the verifying pharmacist; 41 incident reports failed to include the name and license or registration number of each licensee or registrant involved in the incident; and, as a result, those 41 incident reports failed to include the signature of each licensee or registrant involved in the incident.

7. Respondent failed to generate CQI reports for the second, third, and fourth quarters of 2021 and CQI reports for March 10, 2021 and January 11, 2022 failed to document review of the Board newsletter in violation of K.A.R. 68-19-1.

8. 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 \$5,000. Respondent has 30 days from the date of this order to pay the fine by check or money order.

Furthermore, Respondent's Registration is placed hereby placed on probation for a period of 18 months from the date of this order. The terms of Respondent's probation are as follows:

- Respondent shall respond to the Board's requests within 5 days;
- Respondent shall submit all incident reports to the Board within 3 business days;
- Respondent shall submit all CQI reports to the Board within 3 business days;
- Respondent shall submit to a compliance inspection of Respondent's pharmacy every 6 six months;
- Within 30 days of receipt of an invoice from the Board, Registrant shall pay to the Board the actual costs of the inspection pursuant to K.S.A. 65-16271; and
- Respondent shall comply with all rules and regulations of the Pharmacy Practice Act.

## **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.

3/14/2023  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of March 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:

Graves Drug Store of Emporia  
Attn: Pharmacist in Charge  
609 Commercial  
Emporia KS 66801

  
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Kansas Board of Pharmacy Staff