

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Homeland Pharmacy #646)
)
Registration No. 2-09968)

Case No. 15-080

Filed By
MAY 19 2016
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER

NOW on this 19 day of May, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Homeland Pharmacy #646 ("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 Investigation Member 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. 2-09968 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about May 13, 2015, the Board received notification that Respondent's former Pharmacist-in-Charge ("PIC") resigned as of May 3, 2015.
3. On February 11, 2016, an investigator for the Board went to Respondent pharmacy to investigate the absence of a PIC and made the following findings:

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- (1) In order to comply with the Pharmacy Act, Respondent needed to submit an application for registration of a new PIC within 30 days of the PIC change, or June 4, 2015.
 - (2) As of June 4, 2015, the Board did not receive an application from Respondent.
 - (3) As of September 2015, Respondent had a PIC, Chris Benest, R.Ph..
 - (4) While Mr. Benest has acted as the PIC for Respondent since September, the Board did not receive the requisite application for a change in PIC within 30 days of the original change.
4. On or about March 15, 2016, the Board received and processed the change of PIC application, 283 days after the change of PIC application was due.

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.S.A. 65-1637, every pharmacy registered in the state of Kansas shall have a PIC.
7. Pursuant to K.A.R. 68-1-2a, when a change of PIC has occurred in a pharmacy, the pharmacy has 30 days from the change to acquire a new PIC and register the change with the Board.
8. Respondent had until June 4, 2015 to register a new PIC with the Board but did not do so.

9. Though Respondent acquired a PIC in September of 2015, it did not register him with the Board until March 15, 2016, 283 days after the original due date of June 4, 2015.

10. Because Respondent did not register the new PIC until 283 days after it was required to, it was in violation of K.A.R. 68-1-2a.

11. Every day Respondent did not register the new PIC constitutes one violation of K.A.R. 68-1-2a.

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 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 283 days late, the fine accrued \$5,600. **Respondent has 30 days from the date of this order to pay the full \$6,600, or until Monday, June 20, 2016.**

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. If a hearing is not requested as described above, this 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.

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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:

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

IT IS SO ORDERED.

5-16-16
Date


Michael Lonergan, R. Ph.
Investigation Member
Kansas Board of Pharmacy

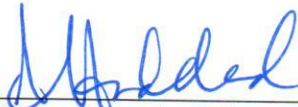
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19 day of May, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Homeland Pharmacy #646
201 N. Main Street
Haysville, KS 67060

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff