

Filed

MAY 03 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
Hopewell Pharmacy )  
Registration No. 22-107712 )

Case No. 19-116

**SUMMARY ORDER**

NOW on this 3 day of May, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Hopewell Pharmacy (22-107712) ("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. On or about October 19, 2018, the Board received Respondent's application for registration as a Non-Resident Pharmacy in the State of Kansas.
2. Respondent answered "No" to all disciplinary questions on the application, and indicated the facility had been in compliance with all registration requirements under any previous or current licenses or registrations.
3. The Board approved Respondent's Registration on October 19, 2018, and issued Respondent Registration No. 22-107712 entitling Respondent to function as a Non-Resident Pharmacy in the State of Kansas ("Respondent's Registration").

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4. It recently came to the Board's attention that NABP has four different disciplinary actions listed against Respondent by the state of New Jersey. Three of those disciplinary actions would have been final at the time of the application and the fourth disciplinary order had been issued, but was awaiting the results of an appeal by Respondent.

5. The New Jersey discipline that Respondent failed to disclose is detailed as follows:

- On June 2, 2006, Respondent was fined \$525.00 for mislabeling, improper phrasing of prescription directions, and accepting a prescription that was not signed by the prescriber.
- On December 2, 2013, Respondent was fined \$1,125.00 for a violation of New Jersey's pharmacy laws.
- On November 4, 2016, Respondent was fined \$4,200.00 for violations including: not having a current edition of Trissel's, compounding non-sterile hazardous and non-hazardous drugs in the same hoods, using improper BUD's, not having required items listed on prescription labels, and additional risk management issues.
- On November 2, 2018, Respondent was fined \$10,450.00 for improper wording of use-by dates on labels, improper BUD on master formulation record, improper temperature monitoring, and improper doors to the buffer room.

#### CONCLUSIONS OF LAW

6. 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.

7. Pursuant to K.S.A. 65-1657(c), when any nonresident pharmacy fails to supply requested information to the Board, the Board may assess a civil fine in accordance with the provisions in K.S.A. 65-1658.

8. Pursuant to K.S.A. 65-1627(e)(1), the Board may discipline a pharmacy upon a finding that such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act have occurred in connection therewith.

9. Pursuant to K.S.A. 65-1627(e)(4), the Board may discipline a pharmacy upon a finding that the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

10. Respondent's failure to disclose information that is requested on the application regarding its previous disciplinary history is a violation of K.S.A. 65-1657(c), and a basis to impose a fine upon Respondent.

11. Respondent's conduct that resulted in violations of the New Jersey and federal compounding laws and regulations is a violation of the pharmacy act of the state of Kansas and a basis to impose a fine upon Respondent and place Respondent's Registration on probation.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on PROBATION for a period of five (5) years. As a condition of probation, Respondent must submit a new inspection report that meets the requirements of K.A.R. 68-7-12a(a)(3) showing that the deficiencies have been corrected and no further deficiencies were identified that could result in patient harm for approval of its 2019 registration

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renewal. Respondent must also notify the Board within seven (7) days of any disciplinary action by any state or federal government. Respondent is also ordered to pay a fine to the Board. A violation of K.S.A. 65-1657(c) warrants a base fine of \$500.00. A violation of the federal compounding laws warrants a base fine of \$5,000.00. The Board will suspend \$3,000.00 of the \$5,000.00 fine pending continued compounding operations within the guidelines of New Jersey and federal laws, regulations, and guidelines for the duration of the probationary period. Respondent has 30 days from the date of this order to pay the required \$2,500.00.

### 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, 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:

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

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IT IS SO ORDERED

5/3/19  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of May, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Hopewell Pharmacy  
1 West Broad St  
Hopewell, NJ 08525

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