

Filed By

JAN 18 2018

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Medication Management Program)
)
Registration No. 22-102558)

Case No. 18-002

SUMMARY ORDER

NOW on this 18 day of January, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Medication Management Program (22-102558) ("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. 22-102558 which entitles Respondent to function as a non-resident pharmacy in the State of Kansas ("Respondent's Registration").

2. On or about July 17, 2017, the Board office received a notification of a pharmacist in charge ("PIC") change from former PIC Jonathan Bosold that his employment as PIC had been terminated on July 14, 2017.

3. Respondent had until August 13, 2017 to employ a new PIC. However, by that date, no PIC was in place.

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4. On November 1, 2017, Respondent hired current PIC Stephanie Znosko.
5. On or about November 27, 2017, the Board received Respondent's written application for a non-resident Pharmacy Registration for Change of PIC.

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.A.R. 68-1-2a(b), each registrant 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).

8. Since Respondent indicated that the termination of PIC Jonathan Bosold was effective on July 14, 2017, Respondent had 30 days to have a designated PIC, or until August 13, 2017.

9. Respondent failed to submit the complete Change of PIC application to the Board until November 27, 2017, which was 106 days beyond the 30-day window for designating a new PIC.

10. 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

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Respondent was 106 days late, the fine accrued \$2,120.00. Respondent has 30 days from the date of this order to pay the full \$3,120.00.

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. 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.

1/13/18
Date


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

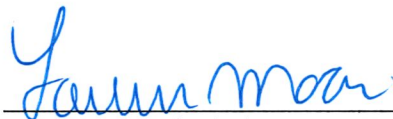
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18 day of January, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Medication Management Program
921 Chatham Lane, Suite 100
Columbus, OH 43221

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