

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Menorah Medical Center )  
Cancer Center Pharmacy )  
 )  
Registration No. 2-10286 )

Case No. 16-201

Filed By  
JAN 06 2017  
KANSAS STATE  
BOARD OF PHARMACY

**SUMMARY ORDER**

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Menorah Medical Center Cancer Center Pharmacy ("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. 2-10286 which entitles Respondent to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about August 26, 2016, the Board office received a notification of a pharmacist in charge ("PIC") change from Respondent indicating Mahshid Roayaei resigned her position, effective August 14, 2016.
3. At the time of the notification, Respondent did not have a replacement PIC.

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4. On that date, the Board also received a waiver request from Respondent for an additional 30 days to find a PIC. The Board granted the waiver, extending the deadline to September 28, 2016.

5. On or about September 27, 2016, the Board granted Respondent an additional 30 days to find a PIC.

6. On October 27, 2016, the second waiver expired. Respondent did not have a replacement PIC at this time.

7. On October 31, 2016, Respondent emailed the Board to report that it had identified a replacement PIC.

8. On or about November 9, 2016, the Board received a completed application for Change in PIC from Respondent, indicating Jodie Gravino as the new PIC. The application indicated that Ms. Gravino had not previously been a PIC.

9. On that date, the Board emailed the PIC exam directly to Ms. Gravino. The Board received confirmation of receipt of the email.

10. On November 14, 2016, the Board received Ms. Gravino's completed PIC exam.

11. On that date, the Board processed the PIC change and issued the license.

12. Eighteen days had passed after the deadline for reporting the PIC to the Board.

#### CONCLUSIONS OF LAW

13. 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.

14. 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).

15. Respondent notified the Board of the PIC change on August 26, 2016 and submitted a Change in PIC application on November 9, 2016.

16. Respondent failed to complete the Change of PIC application until November 14, 2016, which was 18 days beyond the 30-day window for designating a new PIC.

17. Respondent's failure to implement a PIC until 18 days after the second waiver deadline is a violation of K.A.R. 68-1-2a(b).

#### 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 18 days late, the fine accrued \$360.00. Respondent has 30 days from the date of this order to pay the full \$1,360.00, or until Monday, February 06, 2017.

#### 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.

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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

IT IS SO ORDERED.

1/6/17  
Date



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Alexandra Blasi, J.D., M.B.A.  
Executive Secretary  
Kansas Board of Pharmacy

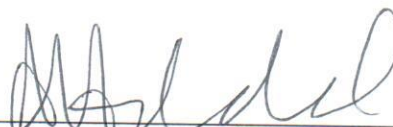
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Menorah Medical Center Cancer Center Pharmacy  
12140 Nall Ave., Ste. 200  
Overland Park, KS 66209

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