

Filed By
OCT 31 2014
KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of)
)
MORRIS COUNTY HOSPITAL)
Registration No. 2-06245)
_____)

Case No. 14-085

FINAL AGENCY ORDER

On October 17, 2014, the Kansas Board of Pharmacy (the “Board”) held a hearing on the allegation that Morris County Hospital (“MCH”) operated its pharmacy without a Pharmacist-in-Charge for period in excess of 30 days and thereby subjecting its registration to discipline pursuant to K.A.R. 68-1-2a(b). MCH appeared by its representative Kristie Hayes, RN. Randall J. Forbes of Frieden, Unrein & Forbes, LLP appeared as the Board’s Disciplinary Counsel. After considering the evidence admitted at the hearing, the Board enters the following final agency order.

I. FINDING OF FACT

1. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* (“Act”), including conducting hearings and proceedings to revoke, suspend, limit or otherwise discipline a Kansas registration to operate a pharmacy in the State of Kansas and imposing a civil penalty pursuant to K.S.A. 65-1658.

2. MCH is presently entitled to engage in the operation of a pharmacy at 600 N. Washington, Council Grove, Kansas by reason of the Board having issued it Kansas registration number 2-06245.

3. On August 16, 2013, Daniel Neil, R.Ph. (“Neil”) was the designated Pharmacist-in Charge (“PIC”) for MCH. On that date, Neil advised the CEO of MCH that he was resigning his position as PIC effective September 28, 2013.

4. On December 23, 2013, the Board received an application from MCH to change the designation of MCH’s PIC to Constance Aldrich, R.Ph.

5. Between September 28, 2013 and December 23, 2013, a period of 86 days, MCH operated a pharmacy without a designated PIC.

II. CONCLUSIONS OF LAW AND FACT

1. Pursuant to K.S.A. 65-1663(e)(1) the Board may take disciplinary action, against the registration of a pharmacy if the pharmacy has been operated in a manner that violates the provisions of the Act or the rules and regulations of the Board.

2. Pursuant to 65-1637, each operating pharmacy must have a designated PIC.

3. Pursuant to K.A.R. 68-1-2a, a pharmacy that operates for more than 30 days without a designated PIC shall be deemed to have violated K.S.A. 65-1627(e).

4. MCH operated for a period of 56 days without a designated PIC in violation of the Act and the Board’s regulations.

III. FINAL ORDER

Based upon the evidence introduced at the hearing held October 17, 2014 and the foregoing findings and conclusions, MCH is assessed a civil penalty in the amount of \$2,120.00.


Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

10/31/14
Date

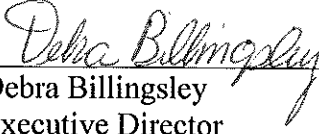

DR. BOB HANEKE
President
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of October, 2014, deposit in the United States mail, postage prepaid, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Morris County Hospital
600 N. Washington
Council Grove, KS 66846

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Pl., Ste 201
Topeka, KS 66604



Debra Billingsley
Executive Director
Kansas Board of Pharmacy