

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
MP Pharmacy)
)
Registration No. 22-102277)

Case No. 18-726

Filed By
DEC 11 2018
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER

NOW on this 11 day of December, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of MP Pharmacy (22-102277) (“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. 22-102277 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On or about October 3, 2018, the Board office received a BA-50 Change in PIC form from Respondent, notifying that pharmacist in charge (“PIC”) Inez Suarez’s last day as PIC was September 6, 2018.
3. The October 3, 2018 BA-50 included a waiver request requesting an additional thirty (30) days to find a PIC licensed in both Florida and Kansas.

4. On November 5, 2018, the waiver expired and notice was sent via certified mail to Respondent.

5. On November 9, 2018, the certification was returned, indicating that the notice had been received by Respondent.

6. On December 4, 2018, the Board received a second BA-50, notifying that Respondent had hired a new PIC whose effective start day was October 31, 2018.

CONCLUSIONS OF LAW

7. 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.

8. Pursuant to K.A.R. 68-1-2a(b), each pharmacy 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).

9. Since Respondent's last day with a designated PIC was September 6, 2018, Respondent had 30 days to designate a new PIC, or until October 8, 2018.

10. Since Respondent requested a 30-day waiver on October 3, 2018 for designating a new PIC, Respondent had until November 5, 2018 to notify the Board of a new PIC.

11. Respondent failed to submit the complete Change in PIC application to the Board until December 4, 2018, which was twenty-nine (29) days beyond the November 5, 2018 deadline.

12. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide a completed application for a designated PIC to the Board by November 5, 2018.

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 29 days late, the fine accrued \$580.00. Respondent has 30 days from the date of this order to pay the full \$1,580.00.

NOTICES

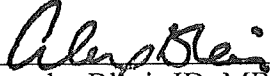
The Respondent is hereby notified as follows:

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.

12/11/18
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11 day of December, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

MP Pharmacy
28813 US HWY 19 N
Clearwater, FL 33761

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