

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
Optum Rx ) Case No. 17-030  
Registration No. 22-12910 )

**SUMMARY ORDER**

NOW on this   1   day of June, 2017 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Optum Rx (22-12910) ("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. 22-12910 which entitles Respondent to operate as a non-resident pharmacy in the State of Kansas ("Respondent's Registration").
2. On April 13, 2016, Lisa Loosmore resigned as Pharmacist-in-Charge ("PIC") of Respondent's facility, immediately replaced by Suzanne Rezkalla.
3. On June 13, 2016, Respondent renewed their Non-Resident Pharmacy License, thereby affirming that all pertinent information with the Board was up-to-date and accurate, which listed Ms. Loosmore as PIC.

4. On October 21, 2016, the Board received a letter from Respondent explaining that Ms. Loosmore would be replaced as PIC by Ms. Rezkalla, effective immediately.

5. On or about January 31, 2017, the Board received from Respondent a Change in PIC Form BA-50, notifying of the resignation of Ms. Loosmore as PIC, effective April 13, 2016.

#### CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine, 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 the PIC change was effective April 13, 2016, Respondent had 30 days to notify the Board of change in PIC, or until May 13, 2016.

9. Respondent notified the Board of the PIC change on October 21, 2016, however, Respondent failed to submit the correct PIC change application until January 31, 2017.

10. Respondent failed to submit the complete Change of PIC application to the Board until January 31, 2017, which was 263 days beyond the 30-day window for designation of a new PIC.

11. Respondent violated K.A.R. 68-1-2a(b) by failing to provide a completed application for a change in 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 plus

*Matter of Optum Rx*, No. 17-030 (Kan. Bd. of Pharmacy)

**SUMMARY ORDER**

Page 2 of 5

an additional \$20 per day that Respondent is in violation of the regulation. Because Respondent was 263 days late, the fine accrued \$6,260.00. Respondent has 30 days from the date of this order to pay the full \$6,260.00, or until July 1, 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.
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

*Matter of Optum Rx*, No. 17-030 (Kan. Bd. of Pharmacy)

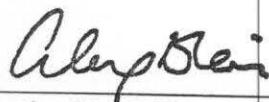
**SUMMARY ORDER**

Page 3 of 5

IT IS SO ORDERED.

5/31/17

Date



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

*Matter of Optum Rx, No. 17-030 (Kan. Bd. of Pharmacy)*

**SUMMARY ORDER**

Page 4 of 5

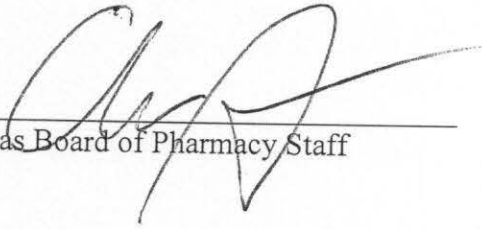
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of June, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Optum Rx  
10801 Walker St  
Cypress, CA 90630

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