

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

AUG 31 2018

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Scripts Rx Pharmacy)
)
Registration No. 22-102362)

Case No. 18-513

SUMMARY ORDER

NOW on this 31 day of August, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Scripts Rx Pharmacy (22-102362) (“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. 22-102362 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On or about June 29, 2018, the Board received Respondent’s renewal application for registration as a non-resident pharmacy.
3. Upon investigation, the Board discovered Respondent was delinquent in reporting zero reports on 131 separate occasions between April 1, 2017 and August 9, 2017 to the State of Kansas’s Prescription Drug Monitoring Program (PDMP), K-TRACS.

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CONCLUSIONS OF LAW

4. 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.

5. Pursuant to K.A.R. 68-21-2(a)(1), each dispenser shall file a report with the board for scheduled substances, as defined in K.S.A. 65-1682(g) and amendments thereto, and any drugs of concern dispensed, unless the board grants an extension as specified in subsection (d). (2). Each dispenser that does not dispense scheduled substances, as defined in K.S.A. 65-1682(g) and amendments thereto, or any drugs of concern in this state or to an address in this state during the reporting period specified in paragraph (a)(1) shall file a zero report with the board. Each zero report shall meet the following requirements: (A) Cover not more than a seven-day period in which no such drugs were dispensed; and (B) be filed the day following the end of the period covered by the zero report.

6. Respondent violated K.A.R. 68-21-2(a) when it failed to report its zero reports on 131 separate occasions.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board. Respondent is ordered to pay a base fine of \$1,000.00 for the violation of K.A.R. 68-21-2(a) plus \$10.00 for each day in violation. Because Respondent was in violation on 131 occasions, the fine accrued an additional \$1,310.00. Respondent has 30 days from the date of this order to pay the full \$2,310.00.

NOTICES

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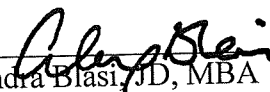
The Respondent is hereby notified as follows:

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.

8/30/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of August, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Scripts Rx Pharmacy
1333 W Belmont Ave – Ste 320
Chicago, IL 60657

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