

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
Walgreens Pharmacy #4183 )  
Registration No. 2-13099 )

Case No. 21-231

**AMENDED SUMMARY ORDER**

NOW, on this 4th day of May 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Walgreens Pharmacy #4183 (“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 Amended Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has previously issued Respondent Registration No. 2-13099 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On July 28, 2021, Respondent’s Pharmacist-in-Charge (“PIC”) ceased to serve as such, effective immediately.
3. On August 26, 2021, the Board received from Respondent a Change in PIC Form BA-50 (“PIC Change Form”), notifying the Board of the cessation of Respondent’s PIC effective July 28, 2021, and requesting a 30-day waiver of the deadline by which to designate a new PIC.

4. The Board granted Respondent's request, extending Respondent's deadline by which to designate a new PIC to September 26, 2021.

5. On September 27, 2021, as the Board had received from Respondent no designation of a new PIC, the Board emailed Respondent's email address of record requesting Respondent immediately submit a subsequent PIC Change Form, denoting their designated PIC.

6. On or about October 22, 2021, the Board received Respondent's updated PIC Change Form designating Respondent's new PIC. The Board immediately processed the change.

7. In mitigation, Respondent states that the outgoing PIC timely completed his controlled substances inventory on or about July 28, 2021, and Respondent states that the incoming PIC timely completed her controlled substances inventory on or about August 26, 2021. Respondent further states that despite its alleged failure to timely notify the Board of the new PIC designation on or before September 26, 2021, at all times between August 26, 2019 and the Respondent's formal notification to the Board of the new PIC designation on or about October, 22, 2021, that the incoming PIC was acting, at all times, in her capacity as PIC.

#### CONCLUSIONS OF LAW

1. 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.

2. 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), and amendments thereto.

3. Since Respondent's previous PIC ceased as such effective July 28, 2021, Respondent originally had 30 days to designate a PIC by notification to the Board, or until August 27, 2021.

4. Since the Board granted, on August 26, 2021, Respondent's request for a 30-day extension of the aforementioned August 27<sup>th</sup> deadline, Respondent then had 30 further days to designate a PIC by notification to the Board, or until September 26, 2021.

5. Respondent failed to designate a PIC by notification to the Board until October 22, 2021, which was twenty-six (26) days beyond the 30-day extended deadline for designating a new PIC.

6. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide, by its 30-day extended deadline, a designation of a new PIC by notification to the Board.

#### 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 \$20.00 per day that Respondent is in violation of the regulation, not to exceed \$5,000. Because Respondent provided notice to the Board twenty-six (26) days past the extension deadline, **the total fine is \$1,520.00.** Respondent has 30 days from the date of this order to pay the fine.

#### 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

IT IS SO ORDERED.

5/4/2022

\_\_\_\_\_  
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of May 2022, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

WALGREENS PHARMACY #4183  
ATTN: LICENSE ADMINISTRATION  
PO BOX 901  
DEERFIELD, IL 60015

And by email to:

Gary Peters, RPh  
Senior Counsel, Operations and Services  
Walgreen Co  
gary.peters@walgreens.com

  
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Kansas Board of Pharmacy Staff