

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of

WALGREENS PHARMACY #09376
LICENSE NO. 2-10045

Case No. 08-42

AGENCY ORDER

WALGREENS PHARMACY #09376 is currently licensed as a pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued license no. 2-10045. At all times relevant hereto, the Respondent has held a current license to operate a pharmacy in the State of Kansas.

The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has operated in a manner that violates the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted by the Board, enters the following agency order.

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 2-10045 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. That on March 26, 2008 a routine inspection was conducted whereby three pharmacy technicians were working under the direct supervision of a pharmacist. None of the technicians were nationally certified.

I. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a license number 2-09885 August 21, 2003 pursuant to K.S.A. 65-1643.
2. That pursuant to K.S.A. 65-1627 (e) (1) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that (1) Such pharmacy has been operated in such a manner that violations of the provisions of the pharmacy act of the state or the rules and regulations of the board have occurred in connection therewith.
3. That K.S.A. 65-1663 (h) states in part, "it is the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board."
4. That K.A.R. 68-5-16 provides that the ration of pharmacy technicians to Pharmacists in the prescription area of any pharmacy may be three to one is at least two of the pharmacy technicians have a current certification issued by the pharmacy technician certification board of a current certification issued by any other pharmacy technician certification board organization approved by the Board.

ORDER

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of \$500 violation of the pharmacist to pharmacy technician ratio. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

III. NOTICES

The Respondent is hereby notified as follows:

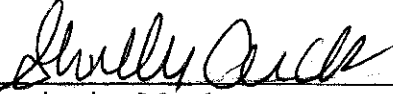
1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.
2. If a hearing is not requested as 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:

Debra Billingsley

Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231
Phone: 785-296-4056
Fax: 785-296-4056
IT IS SO ORDERED.

Date

8/21/08


Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25 day of August, 2008, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Walgreens #09376
1445 S. Main
Ottawa, KS 66067

Walgreen Co.
PO Box 901
104 Wilmot Rd., MS#1435
Deerfield, IL 60015

The Prentice Hall Corporation System, Kansas, Inc.
200 SW 30th St.
Topeka, KS 66611



Christina Morris
Assistant Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231