

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of*

WALGREENS #12815  
LICENSE NO. 2-10269

Case No. 13-58

**AGENCY ORDER**

WALGREENS #12815 (the "Respondent") 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. 2-10269. 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 Investigative Member, in accordance with the authority granted by the Board, enters the following agency summary 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 2-10269 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").
2. That on March 26, 2013 a routine inspection of Respondent was conducted.
3. On that day, the Board's Compliance Officer observed that the pharmacy registration did not note the current pharmacist in charge. Therefore, the Compliance Officer followed up on this matter.

4. The Board of Pharmacy received a resignation letter from former Walgreens pharmacist-in-charge Richard Mengoni, R.Ph. (License 1-12569) stating that his last day in that position was December 24, 2012.
5. The Board received application from Respondent for new pharmacist-in-charge Mitchell Bowen, R.Ph. (License 1-13810) on March 7, 2013, which was 73 days after Mr. Mengoni's last day as pharmacist in charge.
6. Respondent operated without a registered pharmacist-in-charge for more than the 30 day allowance per K.A.R. 68-1-2a(b).

## **II. CONCLUSIONS OF LAW**

1. 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.
2. K.A.R. 68-1-2a (b) states that "(b) Each pharmacy or registrant required to have a pharmacist-in-charge that operates for more than 30 days without a designated pharmacist-in-charge who meets the requirements of this regulation shall be deemed to be in violation of K.S.A. 65-1627(e) and amendments thereto."
3. Respondent's failure to register a replacement pharmacist-in-charge with the Board within 30 days of the previous pharmacist-in-charge's last day is a violation of K.A.R. 68-1-2a.

## **ORDER**

Based upon the foregoing findings and conclusions, Respondent is hereby assessed a fine in the amount of \$1860 for operating without a registered pharmacist-in-charge for more than the 30 day allowance per K.A.R. 68-1-2a(b). The fine is set at \$1000 for the initial fine and \$20 daily

after the 30 day grace period (43 days) for a total of \$1860. Said fine is due and payable to the Kansas Board of Pharmacy within 30 days of receipt of this Order.

**IT IS SO ORDERED.**

**III. NOTICES**

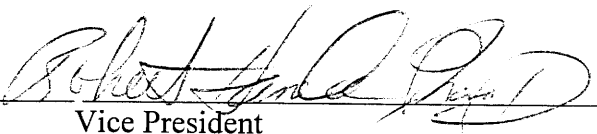
The Respondent is hereby notified as follows:

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, 800 SW Jackson, Ste. 1414, 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  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612-1231  
Phone: 785-296-4056

Date


4/29/13  
  
Vice President  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 30<sup>th</sup> day of April, 2013, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY SUMMARY ORDER, properly addressed to the following:

Walgreens Pharmacy #12815  
1453 E. 151<sup>st</sup> Street  
Olathe, KS 66062

Walgreens Co.  
Attn: Legal Dept.  
PO Box 901  
104 Wilmot Rd., MS 1435  
Deerfield, IL 60015



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