

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
APR 06 2018
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Walmart Pharmacy 10-369) Case No. 18-106
)
)
Registration No. 2-10121)

SUMMARY ORDER

NOW on this 6 day of April, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Walmart Pharmacy 10-369 (2-10121) ("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. 2-10121 which entitles Respondent to function as a Resident Pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about April 2, 2018, the Board office received a notification of a pharmacist in charge ("PIC") change from Walmart Pharmacy 10-369 that there had been a change in PIC from Susan Carver to Sonya Porter effective February 16, 2018.
3. The Board did not receive Respondent's Change in PIC Form until April 2, 2018.

CONCLUSIONS OF LAW

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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. 68-1-2a(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).

6. Since Respondent indicated that the termination of Susan Carver as PIC was effective on February 16, 2018, Respondent had 30 days to designate a new PIC by notification to the Board, or until March 18, 2018.

7. Respondent failed to submit the complete Change of PIC application to the Board until April 2, 2018, which was 15 days beyond the 30-day window for designating a new PIC.

8. Respondent violated K.A.R. 68-1-2a(b) when it failed to provide a completed application for a designated 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 \$1,000.00. Every day that Respondent is in violation of the regulation, the fine accrues \$20.00. Because Respondent was 15 days late, the fine accrued \$300.00. Respondent has 30 days from the date of this order to pay the full \$1,300.00.

NOTICES

The Respondent is hereby notified as follows:

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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.

4/16/13
Date

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

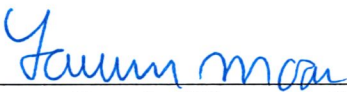
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of April, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Walmart Pharmacy 10-369
2202 Pike Road
Winfield, KS 67156

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