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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

September 20, 2024

Michael Hanson
12882 Cambridge Circle
Leawood KS 66209

RE: Case No. 24-234

Dear Mr. Hanson:

Enclosed you will find a copy of the final Stipulation and Consent Order approved by the Kansas Board of Pharmacy in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$1,000.00. Please make all checks payable to the Kansas Board of Pharmacy and include your case number in the memo.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
) Case No. 24-234
MICHAEL HANSON)
Kansas License No. 1-116381)

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Michael Hanson ("Respondent") as follows:

1. The Board is represented herein by its attorney, Brenda L. Head of Frieden & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, _____

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, (the "Act") including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued him Kansas license number 1-116381 ("Kansas License"). At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas and he served as Pharmacist-in-Charge ("PIC") at CVS Pharmacy #8602 ("Pharmacy"), Registration #2-10067, located at 7501 Metcalf Ave., Overland Park, Kansas 66204.

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

Matter of Michael Hanson, No. 24-234 (Kan. Bd. of Pharmacy)

STIPULATION AND CONSENT ORDER

Board's regulations which would justify the revocation or imposition of other disciplinary action against his Kansas License under the provisions of K.S.A. 65-1627(a) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1658.

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board finds the following:

A. On May 16, 2024, a routine onsite inspection was conducted by the Board at the Pharmacy in which Respondent served as PIC.

B. During the May 16, 2024 onsite Board inspection, the Pharmacy did not have documentation maintained for Continuous Quality Improvement ("CQI") reports for the second and third quarters of 2023.

C. On May 16, 2024, Pharmacist on Duty Andrew Chen (#1-105051) confirmed the first and third quarters of 2023 CQI reports were not available explaining he was unaware that even with no incident, CQI reports still needed to be filled out.

D. On May 16, 2024, the Board's Inspector notified Respondent as PIC via email regarding the missing second and third quarter CQI reports.

E. On May 17, 2024, Respondent provided the Board with the second and third quarter of 2023 CQI reports, both of which Respondent signed and dated May 17, 2024.

F. K.A.R. 68-19-1 requires, that as part of a pharmacy's required CQI Program, among other things, the pharmacy must meet at least quarterly of each calendar year with the PIC in attendance to discuss all incident reports, establish steps to prevent reoccurrence, review the board newsletter and create a report of the meeting including certain information.

G. Respondent failed to meet the CQI minimum program requirements for the second and third quarters of 2023 in violation of K.A.R. 68-19-1.

Upon motion duly made, seconded and passed, the Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of appropriate disciplinary action against Respondent's Kansas License pursuant to K.S.A. 65-1627(a)(8).

6. The Respondent agrees and consents and the Board finds, concludes and orders that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent shall pay to the Board an administrative fine in the amount of One Thousand Dollars (\$1,000.00) payable over the next ten (10) months of the Board approving this Stipulation and Consent Order.

B. PROBATION. The Respondent agrees and the Board orders that, pursuant to K.S.A. 65-1627(a), Respondent's License shall be placed on a status of probation for a minimum period of two (2) years from the effective date of this Stipulation and Consent Order.

C. PROBATION TERMS AND CONDITIONS. During the period of probation, Respondent will be entitled to practice the profession of pharmacy pursuant to Chapter 65, Article 16 of the Kansas Statutes Annotated provided he adheres to the following terms and conditions of probation:

i. Respondent shall provide the Board copies of all CQI Reports within seven (7) days of completion.

ii. If, at any time after the effective date of this Stipulation and Consent Order and before expiration of the period of probation, Respondent ceases to keep his Kansas License current, fails to keep the Board timely advised of all CQI Reports or fails to comply with

the terms of this Stipulation and Consent Order, any and all such periods of time shall be excluded in computing and determining the expiration date of the two (2) years of probation prescribed herein.

iii. Respondent shall pay all required fees for registration to the Board and shall renew his license in a timely manner as required by law.

iv. Respondent shall comply with all provisions of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, and the rules and regulations of the Board applicable to licensed pharmacists and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. For purposes of this subsection, "state" includes the State of Kansas and all other states and territories of the United States.

v. Respondent shall make himself available for personal interviews to be conducted by any member of the Board or the staff of the Kansas State Board of Pharmacy. These interviews will be at the Board's discretion and may occur periodically during the period of probation. Respondent will be notified and given sufficient time to arrange these interviews.

vi. Respondent's failure to comply with any provision set forth in this Stipulation and Consent Order constitutes a violation of the terms or conditions of probation.

D. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he must, and the Board further orders the Respondent to:

1. Comply fully with this Stipulation and Consent Order;
2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacies;

7. Respondent agrees that all information in the possession of the Board's Investigation Member or Investigation Committee, its staff, its investigators and/or its attorney regarding the investigation which lead to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order, with or without the presence of the Respondent or his attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

8. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved and entered as a Final Order by the Board. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it as a final order of the Board. The Respondent further agrees, for purposes of this matter, that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

10. This Stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

11. The Respondent acknowledges that he has the following rights:
- (a) To have formal notice of charges served upon him;
 - (b) To file a response to the charges;
 - (c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
 - (d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against him to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order provided for herein.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Consent Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

13. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

14. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

15. Upon approval and entry of the Final Order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

17. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.


ENTERED AND EFFECTIVE this 19th day of September, 2024.

KANSAS BOARD OF PHARMACY

By: _____


ERICK AXCELL, PHARMD
Vice-President

AGREED AND APPROVED BY:




Michael Hanson

8/20/24

Date

Respondent's Attorney's Name & Address

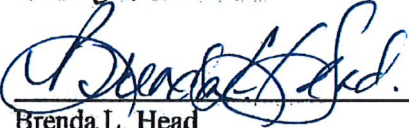
Date



Tiffany Strohmeier, PharmD
Investigation Member

9-19-2024

Date



Brenda L. Head
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
(785) 354-1100
bhead@fflawllp.com
Counsel for the Kansas Board of Pharmacy

8/26/2024.

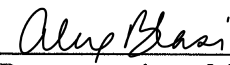
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 20th day of September, 2024 addressed to:

Brenda L. Head
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Michael Hanson
12882 Cambridge Circle
Leawood, KS 66209



Representative of the
KANSAS BOARD OF PHARMACY