

800 SW Jackson St., Suite 1414  
Topeka, KS 66612



Phone: (785) 296-4056  
Fax: (785) 296-8420  
pharmacy@ks.gov  
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

August 21, 2024

Hill Derm Pharmacy Inc.  
3065 S Mellonville Ave, Suite B  
PO Box 901  
Sanford FL 32773

RE: Case No. 24-259

To whom it may concern:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$7,000. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Hill Derm Pharmacy Inc. )  
 )  
Registration No. 22-116155 )

Case No. 24-259

**SUMMARY ORDER**

NOW on this 21st day of August, 2023 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Hill Derm Pharmacy Inc. (“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. 22-116155 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On February 3, 2023, Robert Walker (“Walker”) ceased serving as Pharmacist-in-Charge (“PIC”) at Hill Derm Pharmacy Inc.
3. On June 19, 2023, the Board received an online 2023 renewal application for Respondent’s Registration, which identified Walker as PIC. Respondent certified that the information submitted on the application was accurate.

4. On June 10, 2024, the Board received an online 2024 renewal application for Respondent's Registration, which identified Walker as PIC. Respondent certified that the information submitted on the application was accurate.

5. On August 15, 2024, the Board received a Change in PIC Form BA-50, notifying the Board that Walker ceased to serve as PIC on February 3, 2023 and indicating a new PIC assumed responsibilities on February 22, 2024.

#### 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.S.A. 65-1627(e)(1), the Board may take action against the registration of any pharmacy upon a finding that the pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith.

3. Pursuant to K.S.A. 65-1627(e)(5), the Board may take action against the registration of any pharmacy upon a finding that the pharmacy has obtained, renewed or attempted to obtain or renew a registration by false or fraudulent means, including misrepresentation of a material fact or falsification of any application.

4. Pursuant to K.A.R. 68-1-2a(a), each pharmacy or registrant 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).

5. Pursuant to K.A.R. 68-1-2a(c), each pharmacy owner shall submit to the Board, on a BA-50, notice of designation of a new PIC at the pharmacy or facility required to have a PIC no later than 30 days after the previous PIC has ceased to serve as the PIC.

6. Since Respondent's previous PIC resigned effective February 3, 2023, Respondent had 30 days to designate a PIC by notification to the Board, or until March 5, 2023.

7. Respondent's new PIC did not even accept responsibility as PIC until February 22, 2024. Therefore, Respondent operated without a PIC for more than one year.

8. Respondent failed to submit the complete Change of PIC application to the Board until August 15, 2024, which was over one year beyond the 30-day window for designating a new PIC.

9. Respondent violated K.A.R. 68-1-2a when it failed to provide a completed application for a designated PIC to the Board within 30 days.

10. Respondent misrepresented their designated PIC on the 2023 and 2024 renewal applications submitted to the Board in violation of K.S.A. 65-1627(e)(5).

### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$7,000 to the Board. 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.

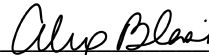
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

8/21/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of August, 2023 deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Hill Derm Pharmacy Inc.  
3065 S Mellonville Ave, Suite B  
Sanford FL 32779

  
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Kansas Board of Pharmacy Staff