

June 4, 2024

ITC Compounding and Natural Wellness Pharmacy
651 Topeka Way #600
Castle Rock CO 80109

RE: Case No. 24-186

Dear PIC Carrie Renehan:

Enclosed you will find an Amended 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 \$1,500. 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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
ITC Compounding and Natural)
Wellness Pharmacy)
)
Registration No. 22-02504)

Case No. 24-186

AMENDED SUMMARY ORDER

NOW on this 4th day of June, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of ITC Compounding and Natural Wellness Pharmacy (“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 Amended 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. 22-02504 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas (“Respondent’s Registration”).

2. On March 26, 2024, the Board sent an email to Respondent’s Pharmacist-in-Charge (“PIC”) informing Respondent that they were missing a daily K-TRACS (Kansas Prescription Drug Monitoring Program) report for March 13, 2024 and March 14, 2024, and requesting submission of the missing reports by April 2, 2024.

3. On April 4, 2024, the Board phoned Respondent's facility and received a busy signal.
4. On April 5, 2024, the Board phoned Respondent's facility and received a busy signal.
5. On April 9, 2024, the Board mailed Respondent a letter stating that pursuant to Kansas law, a pharmacy must submit daily reports to K-TRACS and must correct all errors within seven days. At the time of the letter, it had already been 26 days since the missed report occurred. The letter requested Respondent submit the required reports by April 30, 2024.
6. On May 31, 2024, the Board received the K-TRACS data reports for the missing days.

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. 65-1657(f), the Board may limit, condition, revoke, suspend or place in a probationary status a registration on any ground that would authorize the Board to take action against the registration of a pharmacy under K.S.A. 65-1627.
3. Pursuant to K.S.A. 65-1627(e)(1), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that such 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.
4. Pursuant to K.S.A. 65-1627(e)(9), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that such pharmacy

has been operated in such manner that the violations of the provisions of the prescription monitoring program act of the state of Kansas or any rule and regulation of the board have occurred in connection therewith.

5. Pursuant to K.S.A. 65-1627(e)(10), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that the pharmacy has failed to furnish the Board, its investigators, or its representatives any information legally requested by the Board.

6. Pursuant to K.S.A. 65-1683, each pharmacy shall submit to the Board by electronic means information required by the Board regarding each prescription dispensed for a scheduled substance or drug of concern.

7. Pursuant to K.A.R. 68-7-12a, each nonresident pharmacy shall meet the requirements of this regulation to be and remain registered in Kansas by the Board. The pharmacist-in-charge shall timely respond to any lawful request for information from the Board.

8. Pursuant to K.A.R. 68-21-2, each pharmacy shall file a report with the Board for each scheduled substance and drug of concern sold in Kansas or to an address in Kansas. This report shall be submitted by the end of the next business day from the day that the drug is sold.

9. By failing to have its pharmacist-in-charge respond to the Board after a lawful request for information for over two months, Respondent violated K.A.R. 68-7-12a, which is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(1) and K.S.A. 65-1657(f).

10. By failing to timely report to K-TRACS and correct the two missed reports within seven days, Respondent violated K.S.A. 65-1683 and K.A.R. 68-21-2, which is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(9) and K.S.A. 65-1657(f).

11. Respondent failed, after multiple communications from the Board and attempted phone calls to a non-functioning phone number, to provide the lawfully requested information until May 31, 2024 – over two months after the date of the reports. Respondent’s failure to timely submit the requested K-TRACS reports is a basis to take action against Respondent’s Registration pursuant to K.S.A. 65-1627(e)(10) and 65-1657(f).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$1,500. Respondent has 30 days from the date of this order to pay the fine by check or money order.

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.

6/4/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of June, 2024 deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

ITC Compounding and Natural Wellness Pharmacy
Attn: PIC Carrie Renehan
651 Topeka Way #600
Castle Rock CO 80109



Kansas Board of Pharmacy Staff