

May 31, 2024

Walgreens Pharmacy #4234
c/o Gary A. Peters, Senior Counsel
104 Wilmot Rd. – MS #144N
Deerfield, IL 60015

RE: Case No. 22-271

Dear Mr. Peters:

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 \$5,000. 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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

cc: Gary Peters
gary.peters@walgreens.com

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Walgreens Pharmacy #4234)
Registration No. 2-13131)

Case No. 22-271

AMENDED SUMMARY ORDER

NOW on this 31st day of May, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Walgreen's Pharmacy #4234 (“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. 2-13131 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On November 15, 2022, the Board received a Change in PIC Form BA-50, notifying the Board of a change in Respondent’s Pharmacist-in-Charge (“PIC”) on September 15, 2021.
3. On or about November 15, 2022, the Board emailed Respondent’s new PIC, who confirmed the date and year of the PIC change.

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.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).

3. Since Respondent's previous PIC resigned effective September 15, 2021, Respondent had 30 days to designate a PIC by notification to the Board, or until October 14, 2021.

4. Respondent failed to submit the complete Change of PIC application to the Board until November 15, 2022, which was over one year beyond the 30-day window for designating a new PIC.

5. 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.

6. Despite the failure to notify the Board, Respondent has provided additional information indicating that the incoming PIC timely completed her controlled substances inventory on or about September 16, 2021 and that at all times between September 16, 2021 and Respondent's notification to the Board of the new PIC designation on or about November 15, 2022, that the incoming PIC was always acting, in her capacity, as PIC.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$5,000 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:

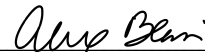
1. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described 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.

5/31/2024

Date



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

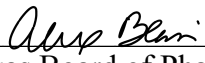
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31st day of May, 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:

Walgreens Pharmacy #4234
c/o Gary Peters, Senior Counsel
104 Wilmot Rd. – MS #144N
Deerfield, IL 60015

and by email to:

Gary Peters
Attorney for Respondent
gary.peters@walgreens.com



Kansas Board of Pharmacy Staff