

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Walgreens Pharmacy #7060)
Registration No. 2-13129)

Case No. 19-077

SUMMARY ORDER

NOW on this 4 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Walgreens Pharmacy #7060 (2-13129) ("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. 2-13129 which entitles Respondent to function as a Pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about February 21, 2019, the Board office received a BA-50 Change in PIC Form from Walgreens Pharmacy #7060, notifying that Leah Dannebohm's last day as PIC was January 4, 2019. The Form stated that new PIC Shawn Kokenge's first day as PIC was February 21, 2019.

CONCLUSIONS OF LAW

3. 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.

4. 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).

5. Since Respondent indicated that Leah DanneBohm's last day as PIC was January 4, 2019, Respondent had until February 3, 2019 to designate a new PIC and notify the Board.

6. Respondent failed to designate a new PIC and submit the completed Change of PIC application to the Board until February 21, 2019, which was 18 days beyond the 30-day window.

7. 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 18 days late, the fine accrued \$360.00. Respondent has 30 days from the date of this order to pay the full \$1,360.00.

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. 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.

3/4/19
Date



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

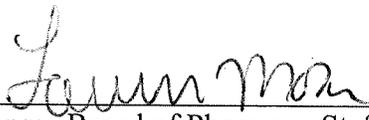
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4 day of March, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Walgreens Pharmacy #7060
325 Bluemont Ave
Manhattan, KS 66502

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