

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
APS Pharmacy)
)
Registration No. 22-12906)

Case No. 16-097

Filed By
JAN 06 2017
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of APS 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 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. 22-12906 which entitles Respondent to function as a non-resident pharmacy in the State of Kansas (“Respondent’s Registration”).

2. On or about June 30, 2016, Respondent submitted a renewal application to the Board. Respondent reported disciplinary history with other states in the renewal application and submitted the S-300 Facility History form, along with a Final Order with the Oklahoma Board of Pharmacy, on July 21, 2016.

3. The Oklahoma Order included the following offenses:

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- (1) Respondent allowed its non-resident license to lapse.
- (2) Respondent compounded a commercially available drug.
- (3) Respondent delivered patient-specific testosterone pellets to a physician's office for surgery.
- (4) Respondent allowed inconsistent signatures from a specific physician.
- (5) Before servicing any clinic, Respondent required signed paperwork explaining the practice setting to ensure proper doctor-patient relationship, however, upon investigation, it was determined that this policy had not been satisfied.
- (6) Respondent did not have a Pharmacist in Charge licensed in Oklahoma as well as the resident state where the pharmacy is located, as required by Oklahoma law.
- (7) Respondent neither admitted nor denied guilt.

4. The Oklahoma Board placed Respondent Pharmacy on probation for three years, or until February 24, 2019, imposed a fine of \$15,000, and required Respondent to develop and implement a Plan of Correction.

5. Furthermore, the Oklahoma Order stipulated that failure to abide by any of the terms of the Order would result in further disciplinary action.

6. On September 8, 2016, an investigator for the Board called and spoke to an Oklahoma Board inspector about Respondent and the Oklahoma Order, who confirmed the above statements.

CONCLUSIONS OF LAW

7. Pursuant to K.S.A. 65-1627(a)(12), the Board may place on probationary status the registration of any pharmacy upon a finding that the pharmacy has had a registration limited or censured by the proper licensing authority of any state.

8. Respondent's discipline and probation imposed by the Oklahoma Board of Pharmacy warrants the Board to place its renewal registration on probationary status in Kansas.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Renewal is GRANTED, subject to a probationary period not to exceed five years, with bi-annual reporting of (1) patient specific prescriptions sent to Kansas patient residences, Kansas physician offices and any and all other Kansas locations, (2) any and all recalls issued by Respondent, and (3) notification to the Board of any FDA inspection. Respondent is also required to comply with state and federal laws during the probationary period.

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.

116117

Date



Alexandra Blasi, J.D., M.B.A.
Executive Secretary
Kansas Board of Pharmacy

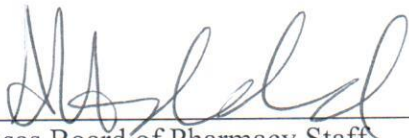
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

APS Pharmacy
34911 US Highway 19N, Ste. 600
Palm Harbor, FL 34684

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