

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed By

OCT 28 2019

In the Matter of )  
 )  
TBS Medical )  
Facility Registration No. 16-105013 )  
\_\_\_\_\_ )

Case No. 19-023

KANSAS STATE BOARD OF PHARMACY

**SUMMARY ORDER OF DENIAL**

**NOW** on October 28, 2019, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of TBS Medical (hereinafter referred to as "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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order of Denial in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or about February 7, 2018, the Board received Respondent's Durable Medical Equipment Registration Application.
2. On March 22, 2018, the Board sent Respondent an email requesting certain information that was missing from Respondent's application.
3. On July 17, 2018, the Board sent Respondent a second email requesting the information that was missing from Respondent's application.
4. On September 5, 2018, the Board sent Respondent a final email requesting the information that was missing from Respondent's application.

5. On October 3, 2018, the Board sent Respondent a final letter requesting the information that was missing from Respondent's application.

6. To date, the Board has not received the requested documentation from Respondent.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1643(m), it shall be unlawful for any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the Board, in accordance with rules and regulations adopted by the Board.

2. Pursuant to K.S.A. 65-1645(a) application for registration or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the Board. Applications for registration shall contain such information as may be required by the Board in accordance with the provisions of K.S.A. 65-1655, and amendments thereto, and K.S.A. 2017 Supp. 65-1655a and 65-1655b, and amendments thereto.

3. Pursuant to K.S.A. 65-1627(f), the Board may deny the application for a durable medical equipment registration upon a finding that the registrant has failed to file with the Board records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the Board's rules and regulations or upon a finding that the registrant has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of the state of Kansas.

4. Respondent's failure to provide the Board with the required application documents is a violation of K.S.A. 65-1645 and 65-1627, and is a basis to deny Respondent's registration.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Durable Medical Equipment Registration Application is hereby **DENIED**.

NOTICES

Respondent is hereby notified as follows:

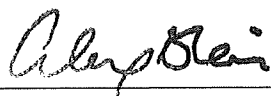
1. Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231, within 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.
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 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 K.S.A. 77-613. 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.

Date

10/28/19

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of October, 2019 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:

TBS MEDICAL  
106 MAIN ST  
MCPHERSON KS 67460

TEMOER TERRY  
803 WILDERNESS DR  
MCPHERSON KS 67460



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Kansas Board of Pharmacy Staff