

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed By

NOV 1 2019

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
First Health Specialty Pharmacy Inc.)
)
Applicant No. 22-108923)

Case No. 19-498

SUMMARY ORDER OF DENIAL

NOW, on this 1st day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of First Health Specialty Pharmacy Inc. ("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 March 11, 2019, the Board received Respondent's Non-Resident Pharmacy Registration Application ("Respondent's Application"), which was missing at least seven documents or items of designation required to complete the application.
2. On March 12, 2019, the Board sent Respondent a request for the information necessary to complete Respondent's application.
3. On April 2, 2019, the Board sent Respondent a second request for the information that was missing from Respondent's application.
4. On May 2, 2019, the Board sent Respondent a third request for the information that

was missing from Respondent's application.

5. On May 15, 2019, the Board sent Respondent a fourth and final request for 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. 65-1657(a), applications for a nonresident pharmacy registration shall be made on a form furnished by the Board, and registration shall be granted upon compliance with the provisions of K.S.A. 65-1657 and rules and regulations adopted pursuant to such, and upon payment of the registration fee.

2. Pursuant to K.S.A. 65-1657(b)(1), as condition for the granting of a registration for a nonresident pharmacy, the nonresident pharmacy shall supply upon request all information needed by the Board to carry out the Board's responsibilities under K.S.A. 65-1657 and rules and regulations adopted pursuant to such.

3. Respondent's failure to supply the necessary information to the Board upon request is a basis not to grant Respondent's application, pursuant to K.S.A. 65-1657(b)(1).

4. Pursuant to K.A.R. 68-7-12a(b), to be registered in Kansas by the Board, each nonresident pharmacy shall meet the requirement of applying for registration on a form approved by the Board, in which information reasonably necessary to carry out the provisions of K.S.A. 65-1657 shall be required.

5. Respondent's failure to produce the information required for complete application indicates that Respondent has not met the requirement set forth in K.A.R. 68-7-12a(b).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Non-Resident Pharmacy 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.

11/11/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1st day of November 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:

FIRST HEALTH SPECIALTY PHARMACY INC.
2259 7th AVE
NEW YORK, NY 10027



Kansas Board of Pharmacy Staff