

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

AUG 31 2018

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Heart of America Pharmacy, LLC)
)
Permit No. 22-101305)

Case No. 18-537

SUMMARY ORDER OF DENIAL

NOW on this 31 day of August, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Heart of America Pharmacy, LLC (“Respondent”) for application to be registered as a non-resident pharmacy in the State of Kansas (Applicant’s Application).

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. On July 1, 2018, the Board received Applicant’s Application for registration as a non-resident pharmacy in the State of Kansas.
2. Applicant answered “Yes” to the following question on the application: “Has any license or registration, currently or previously held by the applicant or the PIC been surrendered to, denied, disciplined, censured, suspended, limited, placed on probation, or revoked by any state or federal government?”

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3. On or about July 27, 2018, the Board obtained a copy of the settlement agreement dated February 5, 2018 between the Missouri Board of Pharmacy and Applicant placing Applicant on probation for three years for allowing a pharmacy technician to work without a pharmacist present.

CONCLUSIONS OF LAW

4. Pursuant to K.S.A. 65-1627(e)(4), the Board may deny an application for registration for a pharmacy upon a finding that the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

5. Applicant's disciplinary action, as evidenced by the Missouri Settlement Agreement, is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(e)(4).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

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.

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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.

2/30/13
Date

Alex Blasi
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of August, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Heart of America, LLC
4338 E 142nd Street
Grandview, MO 64030

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