

Filed By

SEP 19 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Huvepharma, Inc.)
Registration No. 5-109751)

Case No. 19-443

SUMMARY ORDER

NOW, on this 19th day of September 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Huvepharma, 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 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. 5-103196 which entitles Respondent to operate as a wholesale distributor in the State of Kansas ("Respondent's Registration").
2. On July 27, 2018, name and ownership of Respondent's facility were changed from Agri Laboratories, Ltd. to Huvepharma, Inc.
3. On May 16, 2019, the Board received Form BA-05 Distributor Registration Application from Respondent, notifying the Board of the changes in name and ownership.

4. On May 29, 2019, the Board approved Respondent's Distributor Application, effective immediately.

5. With the May 29, 2019 approval, Respondent's previous registration number 5-103196 was cancelled, effective July 2018, and Respondent was issued new registration number 5-109751, under new name and ownership.

6. On July 25, 2019, the Board received information regarding a non-disciplinary fine against Respondent by the Arkansas Board of Pharmacy, for failing to notify their Board of ownership change in a timely manner.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1643, it shall be unlawful for any person to distribute at wholesale any drugs without first obtaining a registration as a wholesale distributor from the Board.

3. Respondent's application documents indicated Respondent had functioned as a wholesale distributor in the state of Kansas between the July 27, 2019 ownership change and the May 29, 2019 Board registration approval.

4. By operating as a wholesale distributor in the state of Kansas prior to its May 29, 2019 Distributor Application approval by the Board, Respondent violated K.S.A. 65-1643(c).

ORDER

The Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of a fine pursuant to K.S.A. 65-1658, in the amount of \$500.00. Respondent has 30 days from the date of this order to pay the full \$500.00.

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. 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 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.


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 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.

9/19/19

Date



Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19th day of September 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:

HUVEPHARMA, INC.
20927 STATE ROUTE K
ST. JOSEPH, MO 64505



Kansas Board of Pharmacy Staff