

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Marian Pharmaceuticals)
)
Registration No. 22-106317)

Case No. 19-093

SUMMARY ORDER OF REVOCATION

NOW on this 3 day of May, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Marian Pharmaceuticals (22-106317) ("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 previously issued Respondent registration number (22-106317), authorizing it to function as a Non-Resident Pharmacy in the State of Kansas ("Respondent's Registration").
2. On or about February 28, 2017, Respondent's facility was placed on probation for a period of five (5) years in its home state of Alabama.
3. On December 27, 2018, the Board received an email from Christina Bond (1-106308), notifying of her resignation as pharmacist-in-charge (PIC) from Respondent's facility effective December 13, 2018.

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4. On February 15, 2019, the Board emailed Respondent, notifying that pursuant to Kansas law, a pharmacy must have a new PIC in place within 30 days of the outgoing PIC's last day. At the time of the email, it had already been 64 days since the outgoing PIC's last day. The email requested Respondent immediately submit the BA-50 Change in PIC form.

5. To date, the Board has not received a BA-50 Change in PIC form from Respondent.

CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-1627(e)(1), the Board may revoke the registration of a pharmacy upon a finding that such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the Board have occurred in connection therewith.

7. Pursuant to K.A.R. 68-1-2a(b), each pharmacy or registrant required to have a pharmacist-in-charge that operates for more than 30 days without a designated pharmacist-in-charge who meets the requirements of this regulation shall be deemed to be in violation of K.S.A. 65-1627(e) and amendments thereto.

8. Pursuant to K.A.R. 68-7-12a(a)(1), each nonresident pharmacy shall be currently licensed or registered in good standing in the state in which it is located in order to remain registered in Kansas by the Board.

9. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a pharmacist-in-charge to remain registered in Kansas by the Board.

10. Respondent's failure to designate a pharmacist-in-charge within 30 days of the outgoing PIC's last day is a basis to revoke Respondent's Registration pursuant to K.A.R. 68-1-2a(b) and K.S.A. 65-1627(e)(1).

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11. Respondent's probationary status in its home state of Alabama means that Respondent is no longer registered in good standing in its home state and is a basis to revoke Respondent's registration pursuant to K.A.R. 68-7-12a(a)(1).

12. Respondent's failure to designate a new pharmacist-in-charge is a basis to revoke Respondent's Registration pursuant to K.A.R. 68-7-12a(a)(4).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.

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

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5/3/19
Date



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

CERTIFICATE OF SERVICE

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I hereby certify that I did, on the 3 day of May, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Marian Pharmaceuticals
28691 US HWY 98, STE D1
Daphne, AL 36526

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