

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Marlex Pharmaceuticals, Inc.)
)
Registration No. 5-109983)

Case No. 19-494

SUMMARY ORDER

NOW, on this 15th day of November 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of Marlex Pharmaceuticals, 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. 5-02829 which entitled Respondent to operate as a wholesale distributor in the State of Kansas (“Respondent’s Registration”).
2. On January 1, 2019, Respondent experienced a change in ownership.
3. On June 10, 2019, the Board received from Respondent a Form BA-05 Distributor Registration Application, notifying of the January change in ownership, and applying for new distributor registration under the new ownership.

4. On June 27, 2019, the Board approved Respondent's Distributor Application effective immediately, issuing Respondent the new Registration No. 5-109983.

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. 68-14-4(c), each wholesale distribution registrant must submit change in ownership information to the Board within 30 days after any change in that information.

3. Respondent's failure to notify the Board of the January 1, 2019 ownership change until June 10, 2019 – 132 days past the January 31, 2019 deadline – is a violation pursuant to K.S.A. 68-14-4(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.

11/1/14

Date




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:

MARLEX PHARMACEUTICALS, INC.
ATTN: SAMIR PATEL
65 LUKENS DR
NEW CASTLE, DE 19720



Kansas Board of Pharmacy Staff