

August 11, 2023

Rogers LTC Pharmacy
3709 N. Belt Hwy, Suite D
Saint Joseph MO 64506

RE: Case No. 23-301

To Whom It May Concern:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$1060. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Rogers LTC Pharmacy)
)
Registration No. 22-115558)

Case No. 23-301

SUMMARY ORDER

NOW on this 11th day of August 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of Rogers LTC Pharmacy (“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. 22-115558, which entitles Respondent to operate as a nonresident pharmacy in the State of Kansas (“Respondent’s Registration”), which expired for nonrenewal on June 30, 2023.
2. On August 7, 2023, the Board received a BR-22 Non-Resident Pharmacy Renewal Form (“Respondent’s Late Renewal Application”), which was considered late and required payment of the late fee, which was included.

3. In conjunction with Respondent's Late Renewal Application, Respondent provided copies of dispensation records for patients in Kansas during the period Respondent's Registration was expired.

4. Between July 1 and August 7, 2023, Respondent shipped medications into Kansas on three (3) unique days when registration had lapsed, before renewal was approved.

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. 65-1657(f), the Board may limit, condition, revoke, suspend or place in a probationary status a registration or deny an application for issuance or renewal of any non-resident pharmacy registration on any ground that would authorize the board to take action against the registration of a pharmacy under K.S.A. 65-1627, and amendments thereto.

3. Pursuant to K.S.A. 65-1627(e)(1), the board may deny an application or renewal, limit, condition, revoke, suspend or place in a probationary status the registration of any 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.

4. Pursuant to K.S.A. 65-1657(a), no nonresident pharmacy shall ship, mail, or deliver, in any manner, prescription drugs or devices to a patient, patient's agent or prescriber's office in this state unless registered under this section as a nonresident pharmacy.

5. Respondent's Registration expired for nonrenewal on June 30, 2023.

6. Respondent dispensed drugs or devices on three (3) days between July 1 and August 7, 2023, without a valid Kansas nonresident pharmacy registration.

7. Respondent's act of shipping into Kansas after expiration of Respondent's Registration but prior to Respondent's Late Renewal Application is a violation of K.S.A. 65-1657(a) and is a basis to take action against Respondent's Late Renewal Application pursuant to K.S.A. 65-1627(e)(1) and 65-1657(f).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Late Renewal Application is hereby GRANTED but Respondent is ordered to pay a fine to the Board in the amount of \$1,060. Respondent has 30 days from the date of this order to pay the fine and the registration shall be issued upon receipt.

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.

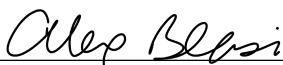
8/11/2023
Date

Alex Blasi
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11th day of August 2023 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:

Rogers LTC Pharmacy
3709 N. Belt Hwy, Suite D
Saint Joseph MO 64506



Kansas Board of Pharmacy Staff