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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 29, 2021

Procure Pharmaceutical Services
264 Smith Township State Rd, Suite 5
Burgettstown PA 15021

RE: Case No. 21-116

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.

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

cc:

Crystal Butler
3250 Kimball Ave
Manhattan KS 66503p

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Procure Pharmaceutical Services)
)
Respondent No. 22-108454)

Case No. 21-116

SUMMARY ORDER OF DENIAL

NOW, on this 29th day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Procure Pharmaceutical Services. (“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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. The Board originally issued Respondent Registration No. 22-108454 on January 31, 2019, which entitles Respondent to operate as a non-resident pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On June 29, 2021, the Board received Respondent’s Non-Resident Pharmacy Renewal Application (“Respondent’s Application”).
3. On June 30, 2021, the Board Respondent’s Application for completion and determined that the designated pharmacist-in-charge (“PIC”), Emily McLaughlin, allowed her Kansas pharmacist license to lapse effective September 15, 2020 without renewal.

4. To date, the Board has not received any updated PIC designation from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1657(f), the Board may deny an application for renewal of any 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.

2. Pursuant to K.S.A. 65-1627(e)(1), the Board may deny an application for renewal of any pharmacy registration upon a finding that the pharmacy has been operated in violation of the Pharmacy Act of the State of Kansas or any regulations thereunder.

3. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a PIC, as defined by K.S.A. 65-1626 and amendments thereto, who shall be responsible for receiving communications from the board.

4. Pursuant to K.S.A. 65-1626(ww) and (xx), a PIC is defined as a pharmacist licensed by the Board.

5. Respondent's designated PIC does not have a current Kansas pharmacist license.

6. Respondent has designated no other PIC since Ms. McLaughlin's expiration on September 15, 2021 and is not authorized to operate in Kansas without a Kansas-licensed PIC.

7. Respondent's failure to designate a Kansas-licensed PIC is a violation of K.A.R. 68-7-12a and, therefore, a basis to deny Respondent's Application pursuant to K.S.A. 65-1627(e)(1).

ORDER

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

NOTICES

Respondent is hereby notified as follows:

1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

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.

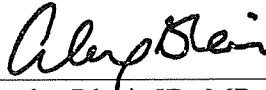
3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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 K.S.A. 77-613. 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.

7/29/2021
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29th day of July 2021, 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:

Procure Pharmaceutical Services
264 Smith Township State Rd, Suite 5
Burgettstown PA 15021

And Authorized Agent:

Crystal Butler
3250 Kimball Ave
Manhattan KS 66503p



Kansas Board of Pharmacy Staff