

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Aero-Med, LTD)
)
Registration No. 5-107903)

Case No. 18-693

Filed By
NOV 16 2018
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER

NOW on this 16 day of November, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Aero-Med, LTD (5-107903) ("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. 5-107903 which entitles Respondent to operate as Non-Resident Wholesale Distributor in the State of Kansas ("Respondent's Registration").
2. On July 9, 2018, the address of Respondent's facility was changed from 16 South Commerce Way, Bethlehem, PA 18017 to 1265 South River Road, Suite 500, Cranbury, NJ 08512.
3. On October 5, 2018, the Board received a Form BA-05 Change of Address Application.

CONCLUSIONS OF LAW

4. 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.

5. Pursuant to K.S.A. 65-1643(c), 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.

6. Respondent's failure to notify the Board of its change in address and obtain a new registration until October 5, 2018 – months after the address change occurred while operating at the new address – means Respondent was operating as a wholesale distributor without a valid registration, in violation of 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.

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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.

11/14/13
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 16 day of November, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Aero-Med, LTD
12265 South River Rd – Suite 500
Cranbury, NJ 08512

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