

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Affinity Rx)
Facility Registration No. 22-105759)
_____)

Case No. 19-024

SUMMARY ORDER OF DENIAL

NOW on March 13, 2019, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Affinity Rx (hereinafter referred to as "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 renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or about April 27, 2018, the Board received Respondent's Non-Resident Pharmacy Registration Application.
2. On April 30, 2018, the Board sent Respondent an email requesting certain information that was missing from Respondent's application.
3. On July 17, 2018, the Board sent Respondent a second email requesting the information that was missing from Respondent's application.
4. On September 5, 2018, the Board sent Respondent a third email requesting the information that was missing from Respondent's application.
5. On October 3, 2018, the Board sent Respondent a fourth email requesting the

information that was missing from Respondent's application.

6. On November 1, 2018, the Board sent Respondent a final email requesting the information that was missing from Respondent's application.

7. On November 29, 2018, the Board sent Respondent a final letter requesting the information that was missing from Respondent's application.

8. To date, the Board has not received the requested documentation from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1643(a), in pertinent part, it shall be unlawful for any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the Board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. On evidence satisfactory to the Board: (1) that the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the Board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; and (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the Board shall deem qualified to conduct such a pharmacy.

2. Pursuant to K.S.A. 65-1645(a) application for registration or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the Board. Applications for registration shall contain such information as may be required by the Board in accordance with the provisions of K.S.A. 65-1655, and amendments thereto, and K.S.A. 2017

Supp. 65-1655a and 65-1655b, and amendments thereto.

3. Pursuant to K.S.A. 65-1657(b)(4) and K.S.A. 65-1657(b)(7), as a condition for the granting of a registration for a nonresident pharmacy, the nonresident pharmacy shall supply upon request, all information needed by the board to carry out the Board's responsibilities under this section and rules and regulations adopted pursuant and such other information as the Board may reasonably request to the administer the provisions of this section.

4. Respondent's failure to provide the Board with the requested application information is a failure to show the satisfactory evidence for granting a registration required under K.S.A. 65-1643(a), and is a basis to deny Respondent's application.

5. Respondent's failure to provide the Board with the required application information is a basis to deny Respondent's application pursuant to K.S.A. 65-1645(a).

6. Respondent's failure to respond to the Board's request for the required application information is a basis to deny Respondent's application pursuant to K.S.A. 65-1657(b)(4) and K.S.A. 65-1657(b)(7).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Non-Resident Pharmacy Registration 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 Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

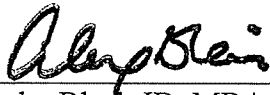
3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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.

2/1/19
Date

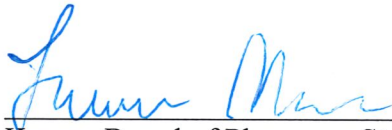


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF
SERVICE

I hereby certify that I did, on March 13, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

AFFINITY RX
11003 ANTOINE DR SUITE F
HOUSTON, TX 77086



Kansas Board of Pharmacy Staff