

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed By

DEC 11 2018

KANSAS STATE BOARD OF PHARMAC

In the Matter of)
)
AMSR, LLC)
_____)

Case No. 18-717

SUMMARY ORDER OF DENIAL

NOW on December 11, 2018, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of AMSR, LLC (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 13, 2018, the Board received Respondent's Durable Medical Equipment Registration Application.

2. On April 13, 2018, the Board emailed Respondent that the application was missing the following required items:

- a. An inspection of the facility conducted within the last two years;
- b. An updated page 1 of the application with corrected owner information;
- c. An updated form S-320 with the correct owner percentage consistent with information provided by the Respondent; and
- d. A list of the locations in Kansas where the facility plans to ship durable

medical equipment.

3. On April 26, 2018, the Board emailed Respondent that the Board had received some of the additional documents requested, but was still missing certain required application items.

4. On May 11, 2018, the Board emailed Respondent stating that the Board was still missing certain required application items.

5. On July 17, 2018, the Board emailed Respondent stating that the Board was still missing certain required application items.

6. On August 15, 2018, the Board sent Respondent a letter stating that the Board was still missing certain required application items.

7. On September 5, 2018, the Board sent Respondent a certified final letter stating that the Board was still missing certain required application items, and that failure to respond by September 30, 2018 would result in denial of the application.

8. To date, the Board has not received the requested required application items from Respondent.

CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 65-1627(f)(5), the Board may deny the application for a durable medical equipment registration upon a finding that the registrant has failed to file with the board records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the Board's rules and regulations.

10. Pursuant to K.S.A. 65-1643(m), it shall be unlawful for any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the Board, in accordance with rules and regulations adopted by the Board.

11. Respondent's failure to provide the Board with the required application documents is a failure to provide the Board with records required to be kept or filed by the provisions of the

pharmacy act of the state of Kansas or by the Board's rules and regulations, and is a basis to deny Respondent's registration pursuant to K.S.A. 65-1627(f)(5).

12. Respondent's failure to obtain a registration from the Board is a basis to deny Respondent's registration pursuant to K.S.A. 65-1643(m).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Durable Medical Equipment 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.

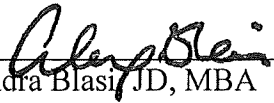
3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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.

12/11/13
Date



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

CERTIFICATE OF
SERVICE

I hereby certify that I did, on December 4, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

AMSR, LLC
7032 S REVERE PKWY – SUITE 320
CENTENNIAL, CO 80112



Kansas Board of Pharmacy Staff