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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

February 18, 2021

ARx, ACCURATE Rx SPECIALTY PHARMACY
85-48 118th ST
KEW GARDENS, NY 11415

RE: Case No. 21-024

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
ARx, Accurate Rx Specialty Pharmacy)
)
Registration No. 22-106652)

Case No. 21-024

SUMMARY ORDER OF REVOCATION

NOW, on this 18th day of February 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of ARx, Accurate Rx Specialty 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 of Revocation in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent Registration No. 22-106652 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On October 30, 2020, Respondent’s Pharmacist-in-Charge (“PIC”) ceased to serve as such, effective immediately.
3. On October 28, 2020, the Board received a Change in PIC Form BA-50 (“Form BA-50”), notifying the Board that Respondent’s PIC had ceased to serve as such effective October 30, 2020. This Form BA-50 included no information regarding any incoming PIC.

4. Form BA-50 instructs that incoming PIC information must be submitted to and received by the Board office within 30 days of the outgoing PIC's last day. Form BA-50 further instructs that if such cannot be accomplished, a 30-day PIC Waiver Request ("PIC Waiver") must be completed by the owner or authorized agent and submitted to the Board office by 30 days after the outgoing PIC's last day.

5. On December 29, 2020, 60+ days after Respondent's outgoing PIC ceased to serve as such, the Board sent a letter to Respondent's email address of record requesting an immediate submission of a Form BA-50 documenting Respondent's incoming PIC information. The letter noted that Respondent's failure to designate an incoming PIC may result in discipline including revocation.

6. On January 13, 2021, 75+ days after Respondent's outgoing PIC ceased to serve as such, the Board mailed a second letter, this time to Respondent's physical address, again requesting the immediate submission of a Form BA-50 documenting Respondent's incoming PIC information. The letter noted that Respondent's failure to designate an incoming PIC may result in discipline including revocation.

7. To date, the Board has received no Form BA-50 denoting Respondent's incoming PIC information nor any indication of a Kansas-licensed PIC at the pharmacy.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(e)(1), the Board may revoke the registration of a pharmacy upon finding that such pharmacy has been operated in such manner that violations of the provision of the pharmacy act of the state of Kansas or of the rules and regulations of the Board have occurred in connection therewith.

2. Pursuant to K.A.R. 68-1-2a(b), each pharmacy required to have a PIC that operates for more than 30 days without a designated PIC shall be deemed to be in violation of K.S.A. 65-1627(e).

3. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a PIC to remain registered in Kansas by the Board.

4. Since Respondent's outgoing PIC resigned effective October 30, 2020, Respondent had 30 days to designate a PIC by notification to the Board, or until November 29, 2020.

5. Respondent's failure to designate a PIC within 30 days of the outgoing PIC's last day, as well as Respondent's failure to designate a Kansas-licensed PIC are bases to revoke Respondent's Registration pursuant to K.A.R. 68-1-2a(b) and K.S.A. 65-1627(e)(1).

ORDER

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

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.

2/18/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of February 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:

ARx, ACCURATE Rx SPECIALTY PHARMACY
85-48 118th ST
KEW GARDENS, NY 11415



Kansas Board of Pharmacy Staff