

August 23, 2019

BENZER TX3 LLC
5908 BRECKENRIDGE PARKWAY
TAMPA, FL 33610

RE: Case No. 19-420

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

Case No. 19-420

In the Matter of)
)
Benzer TX3 LLC)
)
Registration No. 22-104057)

SUMMARY ORDER OF REVOCATION

NOW, on this 26th day of August 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Benzer TX3 LLC ("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, makes the following findings, conclusions and order:

FINDINGS OF FACT

- 1. The Board has previously issued Respondent Registration No. 22-104057 which entitles Respondent to function as a Pharmacy in the State of Kansas ("Respondent's Registration").
2. On April 1, 2019, Pharmacist Kirat Shahiwala (License No. 1-107600) resigned as Respondent's Pharmacist-in-Charge ("PIC"), effective immediately.
3. On May 31, 2019, the Board sent Respondent a certified letter stating that pursuant to Kansas law, a pharmacy must have a new PIC in place within 30 days of the outgoing PIC's last day. At the time of the letter, it had already been 60 days since the outgoing PIC's last day. The letter requested Respondent immediately submit the BA-50 Change in PIC form.

4. To date, the Board has not received a BA-50 Change in PIC form from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(e)(1), the Board may revoke the registration of a pharmacy upon a finding that such pharmacy has been operated in such manner that violations of the provisions 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 pharmacist-in-charge to remain registered in Kansas by the Board.

4. Since Respondent's previous PIC resigned effective April 1, 2019, Respondent had 30 days to designate a PIC by notification to the Board, or until May 1, 2019.

5. Respondent's failure to designate a pharmacist-in-charge within 30 days of the outgoing PIC's last day is a basis 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.

8/20/19

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of August, 2019 deposit in business mail a copy of the foregoing Summary Order of Revocation, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

BENZER TX3 LLC
5908 BRECKENRIDGE PARKWAY
TAMPA, FL 33610



Kansas Board of Pharmacy Staff