

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 19-439

In the Matter of )
)
Comfort Medical, LLC )
)
Registration No. 16-103445 )

SUMMARY ORDER

NOW, on this 9th day of September 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Comfort Medical, 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 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. 16-103445 which entitles Respondent to operate as a Durable Medical Equipment ("DME") provider in the State of Kansas ("Respondent's Registration").
2. On April 1, 2019, the address of Respondent's facility was changed from 4385 NW 124th Avenue, Coral Springs, FL to 4240 NW 120th Ave, Coral Springs, FL.
3. On June 14, 2019, the Board received from Respondent a Form BA-16 DME Provider Registration Application ("Application"), notifying of the change in address from 4385

NW 124<sup>th</sup> Avenue, Coral Springs, FL to 4240 NW 120<sup>th</sup> Ave, Coral Springs, FL, effective April 1, 2019, and applying for a new DME provider registration at the new address.

4. On June 25, 2019, the Board received from Respondent accompanying documents, completing Respondent's Application.

5. On June 28, 2019, the Board approved Respondent's Application, effective immediately.

#### CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1643(m), it shall be unlawful for any person to sell or lease durable medical equipment without first obtaining a registration as a durable medical equipment provider from the Board.

3. Respondent's application documents indicated Respondent had functioned as a durable medical equipment provider in the state of Kansas at this facility prior to obtaining registration as a durable medical equipment provider at this facility from the Board on June 28, 2019.

4. By operating as a durable medical equipment provider in the state of Kansas prior to its DME Provider Application approval by the Board, Respondent violated K.S.A. 65-1643(m).

#### 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.
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.

\_\_\_\_\_  
Date

9/9/19

\_\_\_\_\_  
Kansas Board of Pharmacy



CERTIFICATE OF SERVICE

I hereby certify that I did, on the 9<sup>th</sup> day of September 2019, 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:

COMFORT MEDICAL, LLC  
4240 NW 120<sup>th</sup> AVE  
CORAL SPRINGS, FL 33065



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Kansas Board of Pharmacy Staff