

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
CONCIERGE COMPOUNDING)
PHARMACEUTICALS, INC.)
_____)

Case No. 15-243

SUMMARY ORDER OF DENIAL

NOW on this 22 day of March, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Concierge Compounding Pharmaceuticals, Inc. ("Respondent") for registration as a Non-Resident Pharmacy.

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 Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

For purposes of this order, the Board's Investigative Member makes the following findings of fact:

1. Respondent was previously registered as a non-resident pharmacy in the State of Kansas beginning June 17, 2013, which expired on February 14, 2017.
2. Respondent was registered as a resident pharmacy in Nevada, however the Nevada State Board of Pharmacy currently lists the facility as closed.

In the Matter of Concierge Compounding Pharmaceuticals, Inc., No. 15-243

SUMMARY ORDER OF DENIAL

Page 1 of 7

3. On or about November 13, 2015, the Board received Respondent's application for registration as a non-resident pharmacy in the State of Kansas ("Respondent's Renewal Application"), reflecting a change of ownership.

4. Respondent's application indicated that a change of ownership had occurred within the company and Farshad Sassounian subsequently obtained 100% ownership in the company.

5. Respondent's Application for non-resident pharmacy status in Kansas included the following disclosures of past alleged violations with other states:

- a. In August of 2013, the Texas Board of Pharmacy placed Respondent on a 1-year probationary period for felony conviction of an officer. This was voluntarily disclosed to the Texas Board of Pharmacy upon application by Respondent to practice as a non-resident pharmacy in Texas. Respondent was subsequently granted non-resident pharmacy status in Texas.
- b. In October of 2013, Respondent entered into a Consent Order with the State of Oregon after the Oregon Board of Pharmacy alleged potential violations of regulations, including a violation for distributing drugs into the state without registering. The consent order assessed a \$10,000 fine. Instead, Respondent settled with the Oregon Board of Pharmacy for \$3,000 and agreed to hold future payments in abeyance for two years.
- c. In January of 2014, the South Carolina State Board of Pharmacy denied respondent's application for a non-resident pharmacy permit. The basis for the decision was that Respondent did not meet the standards of pharmacy as

required by South Carolina law, specifically in regards to its compounding standards.

d. In January of 2015, the Ohio State Board of Pharmacy denied Respondent's application for status as a non-resident pharmacy on the basis that Respondent knowingly made false statements on the application and because the President/Pharmacist at the time, Hootan Melamed, was convicted of felony conspiracy to commit securities fraud. This conviction imposed a ten month sentence, including five in a facility and five by e-monitoring and it ordered Melamed to pay restitution.

6. On or about January 19, 2001, Hootan Melamed was convicted of a Class D Felony Conspiracy to Commit Securities Fraud. Melamed was sentenced to the custody of the Bureau of Prisons for a term of ten months and was additionally ordered to pay restitution and interest.

CONCLUSIONS OF LAW

7. That pursuant to K.S.A. 65-1627(e)(2), the Board may revoke, suspend, place in probationary status or deny a renewal of the registration of a pharmacy upon a finding that the owner or any pharmacist employed at such pharmacy is convicted of a violation of the pharmacy act or uniform controlled substances act of the State of Kansas, or the federal or state food, drug, and cosmetic act.

8. That pursuant to K.S.A. 65-1627(e)(4), the Board may revoke, suspend, place in probationary status or deny a renewal of the registration of a pharmacy upon a finding that the registrant has had a registration revoked, suspended or limited, has been censured or has had

other disciplinary action taken, or an application for a registration denied, by the proper registering authority of another state.

9. That pursuant to K.S.A. 65-1657(a)(2), a nonresident pharmacy shall be in good standing and registered in the state in which the pharmacy is located

10. That pursuant to K.S.A. 65-4117(a)(3), the Board may deny an application for registration as a non-resident pharmacy upon the determination that the registration would be inconsistent with the public interest. In determining this, the board shall consider a number of factors including any conviction of the applicant under any federal or state laws relating to any controlled substance.

11. Respondent's denial of registration in South Carolina for failing to meet compounding standards is a sufficient basis for the denial of registration as a non-resident pharmacy in Kansas under 65-1627(e)(4).

12. Respondent's denial of registration in Ohio for making misleading statements on their Application relating to past discipline and the felony conviction of Respondent's new ownership is a sufficient basis for the denial of registration as a non-resident pharmacy in Kansas under 65-1627(e)(4).

13. Respondent's conviction for Felony Securities Fraud is a basis to deny Respondent's Application pursuant to K.S.A. 1627(a)(2).

14. Respondent's failure to maintain a license in good standing in the state of Nevada where the facility was located is a basis to deny Respondent's application pursuant to K.S.A. 65-1657(a)(2).

ORDER

In the Matter of Concierge Compounding Pharmaceuticals, Inc., No. 15-243

SUMMARY ORDER OF DENIAL

Page 4 of 7

Based upon the foregoing findings of fact and conclusions of law, Respondent's Renewal Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

15. Applicant 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.

16. If a hearing is not requested as described above, the Order denying Respondent's Registration as a non-resident pharmacy shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

17. 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.

18. 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, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

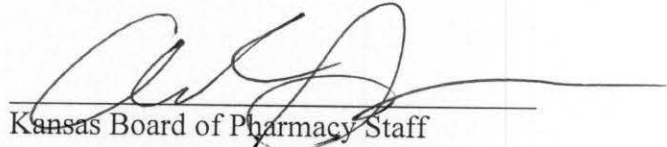
3/22/17
Date

Alexandra Blasi
Alexandra Blasi, JD, MBA
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of March, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

CONCIERGE COMPOUNDING
PHARMACEUTICALS, INC.
1887 WHITNEY MESA DR.
HENDERSON, NV 89014


Kansas Board of Pharmacy Staff