

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of	)	
	)	Case No. 18-696
Dean Health Solutions LLC	)	
Pharmacy Registration No. 16-105408	)	
_____	)	

**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 Dean Health Solutions 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 March 19, 2018, the Board received Respondent's Durable Medical Equipment Registration Application.
2. On March 22, 2018, the Board emailed Respondent that the application was missing the following required items and needed Respondent to provide them by April 15, 2018:
  - a. An update with the correct owner information;
  - b. An update with the new authorized agent information;
  - c. A signature from the authorized agent;
  - d. A completed S-320 LLC Ownership Form;
  - e. The articles of formation for Dean Health Solutions LLC;

f. An inspection report conducted within the last two years for the facility.

3. On April 13, 2018, the Board emailed Respondent a second time requesting the above-listed documentation by April 30, 2018.

4. On July 17, 2018, the Board emailed Respondent a third time requesting the above-listed documentation by August 15, 2018.

5. On August 15, 2018, the Board sent Respondent a final letter requesting the above-listed documentation by September 15, 2018.

6. To date, the Board has not received the requested documentation from Respondent.

#### CONCLUSIONS OF LAW

1. 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.

2. 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.

3. 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).

4. Respondent's failure to provide the Board with the required application documents 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.

12/11/17  
Date

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

CERTIFICATE OF  
SERVICE

I hereby certify that I did, on December 11, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

DEAN HEALTH SOLUTIONS LLC  
3379 PEACHTREE RD N.E. SUITE 555  
ATLANTA, GA 30326

  
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Kansas Board of Pharmacy Staff