

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed By

NOV 26 2019

KANSAS STATE BOARD OF PHARMACY

In the Matter of )  
 )  
Deliver My Meds Corp. )  
 )  
Applicant No. 22-109603 )

Case No. 19-535

**SUMMARY ORDER OF DENIAL**

NOW, on this 26<sup>th</sup> day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Deliver My Meds Corp. ("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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On May 13, 2019, the Board received Respondent's Non-Resident Pharmacy Registration Application.
2. On May 13, 2019, the Board sent Respondent an email requesting certain information that was missing from Respondent's application.
3. On May 14, 2019, the Board received from Respondent several requested documents. Still missing was documentation to prove that Respondent's PIC had obtained licensure in his or her state of practice.
4. On May 14, 2019, the Board sent Respondent another email, requesting the missing

PIC license information.

5. On July 16, 2019, the Board sent Respondent a second email requesting the missing PIC license information.

6. On September 4, 2019, the Board sent Respondent a third email requesting the missing PIC license information.

7. On September 30, 2019, the Board mailed Respondent a final notice requesting the missing PIC license information.

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

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1657(a) application for registration as a nonresident pharmacy shall be made on a form prescribed and furnished by the Board. Applications for registration shall contain such information as may be required by the Board in accordance with the provisions of K.S.A. 65-1657, and amendments thereto.

2. Pursuant to K.S.A. 65-1657(b), as two of several conditions for the granting of a registration for a nonresident pharmacy, the nonresident pharmacy shall supply upon request, all information needed by the board to carry out the board's responsibilities and rules and regulations adopted pursuant to K.S.A. 65-1657, and provide to the board such other information as the board may reasonably request to administer the provisions of K.S.A. 65-1657.

3. Respondent's failure to provide the Board with the required application information is a basis to deny Respondent's application pursuant to K.S.A. 65-1657.

4. Pursuant to K.A.R. 68-7-12a(2), in order to be registered as a non-resident pharmacy in Kansas, each practicing pharmacist employed by or under contract with the pharmacy

shall be licensed as a pharmacist in the state where the pharmacist practices.

5. Respondent's failure to show that their PIC is licensed in the state where he practices is a violation of K.A.R. 68-7-12a(2), and as such is a basis to deny Respondent's application.

### **ORDER**

Based upon the foregoing findings of fact and conclusions of law, Respondent's Non-Resident Pharmacy 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 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.

11/26/19  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22<sup>nd</sup> day of November 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:

DELIVER MY MEDS CORP.  
380 OSER AVE  
HAUPPAUGE, NY 11788



---

Kansas Board of Pharmacy Staff