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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

January 23, 2020

EXPEDITORS INTERNATIONAL OF WASHINGTON INC
849 THOMAS DR
BENSENVILLE, IL 60106

RE: Case No. 20-002

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 STATE BOARD OF PHARMACY

Filed By

JAN 23 2020

KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Expeditors International of Washington Inc)
)
Respondent No. 5-110281)

Case No. 20-002

SUMMARY ORDER OF DENIAL

NOW, on this 23rd day of January 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Expeditors International of Washington Inc. ("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 or about August 2, 2019, the Board received Respondent's Wholesale Distributor Registration Application ("Respondent's Application").
2. On August 22, 2019, the Board sent Respondent an email requesting proof of inspection which was missing from Respondent's application.
3. On October 14, 2019, the Board sent Respondent a second email requesting an inspection report that was missing from Respondent's application.
4. On November 20, 2019, the Board mailed Respondent a third and final request for the inspection report that was missing from Respondent's application.

5. To date, the Board has not received the inspection information from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1645(a) application for registration or permits under K.S.A. 65-1643, and amendments thereto, 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. 65-1655, and amendments thereto, and K.S.A. 2017 Supp. 65-1655a and 65-1655b, and amendments thereto.

2. Pursuant to K.S.A. 65-1655(a)(6), the Board shall require an applicant for registration as a wholesale distributor to provide such information as the Board deems appropriate.

3. Pursuant to K.S.A. 65-1655(f), each facility that engages in wholesale distribution must undergo an inspection by the Board or a third part recognized by the Board for the purpose of inspecting the wholesale distribution operations prior to initial registration.

4. Pursuant to K.S.A. 65-1655(c), the Board may deny an initial application for registration or application for renewal of a registration of a wholesale distributor if the Board determines that the granting of such registration would not be in the public interest.

5. 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. 65-1645(a).

6. Respondent's failure to provide the Board with the required application information is a violation of K.S.A. 65-1655(a)(6), and is a basis to deny Respondent's application pursuant to K.S.A. 65-1655(c).

7. Respondent's failure to provide the Board with an inspection report is failure to meet K.S.A. 65-1655(f), and is a basis to deny Respondent's application pursuant to K.S.A. 65-1655(c).

ORDER

SUMMARY ORDER OF DENIAL

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Based upon the foregoing findings of fact and conclusions of law, Respondent's Wholesale Distributor 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.

1/23/2020
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23rd day of January 2020, 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:

EXPEDITORS INTERNATIONAL OF WASHINGTON INC
849 THOMAS DR
BENSENVILLE, IL 60106



Kansas Board of Pharmacy Staff