

July 6, 2022

Foundation Consumer Healthcare, LLC
106 Isabella Street, Suite 602
Pittsburgh PA 15212

RE: Case No. 22-152

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. In addition, a civil fine has been assessed totaling \$1500. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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

In the Matter of)	
)	Case No. 22-152
Foundation Consumer Healthcare LLC)	
)	
<u>Registration No. 4-117616</u>)	

SUMMARY ORDER

NOW, on this 6th day of July 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Foundation Consumer Healthcare LLC (“Respondent”), for application for registration as a nonresident manufacturer in the state of Kansas.

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 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. The Board has previously issued Respondent Registration No. 4-113283 which entitles Respondent to operate as a non-resident manufacturer in the State of Kansas (“Respondent’s Registration”
2. On February 12, 2021, the ownership of Respondent’s facility was changed.
3. On June 8, 2021, the Board received Respondent’s online renewal application for registration 4-113283 which was approved on June 23, 2021 with the previous owner on the renewal certificate.
4. On March 25, 2022, the Board received Respondent’s change of ownership

application as a nonresident manufacturer in the State of Kansas (“Respondent’s Application”).

5. On Respondent’s Application, the Effective Date of Change of the ownership was noted as February 2021. Respondent subsequently clarified that the official date of ownership change was February 12, 2021.

6. On May 20, 2022, 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. 65-1627(f)(6), the Board may take action against a registrant upon a finding that the registrant has violated the pharmacy act of the state of Kansas or any regulation adopted by the Board.

3. Pursuant to K.S.A. 65-1627(f)(1), the Board may take action against a registration to manufacture or repackage drugs or devices upon a finding that the registrant has obtained, renewed or attempted to obtain or renew a registration by false or fraudulent means, including misrepresentation of a material fact or falsification of any application.

4. Pursuant to K.S.A. 65-1643(p), it shall be unlawful for any person to distribute drugs or devices into Kansas as an out-of-state manufacturer of such drugs or devices without first obtaining a registration from the Board.

5. Pursuant to K.S.A. 65-1645, registrations and permits issued under the provisions of K.S.A. 65-1643 and amendments thereto, shall not be transferable.

6. Respondent’s Application documents indicated Respondent had functioned as a

nonresident manufacturer in the state of Kansas under the new ownership prior to obtaining registration from the Board.

7. By operating under the new ownership as a nonresident manufacturer in the state of Kansas prior to Respondent's Application approval by the Board, Respondent violated K.S.A. 65-1643.

8. Additionally, by renewing the old registration under the new ownership in 2021, Respondent violated K.S.A. 65-1627(f).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant is ordered to pay a fine to the Board in the amount of \$1,500. Applicant has 30 days from the date of this order to pay the fine and the registration shall be issued upon receipt.

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.

7/6/2022
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6th day of July 2022, 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:

Foundation Consumer Healthcare LLC
106 Isabella Street, Suite 602
Pittsburgh PA 15212



Kansas Board of Pharmacy Staff