

September 19, 2019

INNOVEL SOLUTIONS #8273  
2400 KRESGE RD  
LAWRENCE, KS 66049

RE: Case No. 19-442

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 \$500. 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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

Filed By

SEP 19 2019

BEFORE THE KANSAS BOARD OF PHARMACY

KANSAS STATE BOARD OF PHARMACY

Case No. 19-442

In the Matter of )  
Innovel Solutions #8273 )  
Registration No. 6-109973 )

**SUMMARY ORDER**

NOW, on this 19<sup>th</sup> day of September 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Innovel Solutions #8273 ("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 Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has previously issued Respondent Registration No. 6-00436 which entitles Respondent to operate as a nonprescription drug distribution facility (NPD) in the State of Kansas ("Respondent's Registration").

2. On February 11, 2019, ownership of Respondent's facility was changed from Kmart Corporation to Transform Innovel Solutions, LLC. In addition on this same date, the name of Respondent's facility was changed from Kmart #8273 to Innovel Solutions #8273.

3. On June 24, 2019, the Board received Form BA-06 NPD Distributor Registration Application from Respondent, notifying the Board of the February 11<sup>th</sup> changes in name and ownership.

4. On July 9, 2019, the Board approved Respondent's Nonprescription Drug Distributor Application, effective immediately.

5. With the July 9, 2019 approval, Respondent's previous registration number 6-00436 was cancelled, effective February 11, 2019, and Respondent was issued new NPD registration number 6-109973, under new name and ownership.

#### CONCLUSIONS OF LAW

6. 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.

7. Pursuant to K.A.R. 68-2-9, each registrant shall notify the executive secretary of the board in writing of any change in majority ownership of the operation for which the registration was issued within five days after the date the change in ownership becomes effective.

8. Respondent had five days to notify the Board of the change in ownership, or until February 16, 2019.

9. Respondent failed to notify the Board of the ownership change until June 24, 2019, which was 128 days beyond the five-day window for notification to the Board.

10. Respondent violated K.A.R. 68-2-9 when failing to notify the Board of a change in ownership within five days.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine in the amount of \$500.00 to the Board. Respondent has 30 days from the date of this order to pay the full \$500.00.

NOTICES

The Respondent is hereby notified as follows:

1. The 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 fifteen (15) days after service of this order.
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 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.
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 said statute. 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.

Date

9/19/19

Kansas Board of Pharmacy



CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19<sup>th</sup> day of September 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:

INNOVEL SOLUTIONS #8273  
2400 KRESGE RD  
LAWRENCE, KS 66049

  
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Kansas Board of Pharmacy Staff