

March 17, 2022

Ivy Animal Health, Inc.
10850 Lakeview Ave
Lenexa KS 66219

RE: Case No. 22-069

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 for the facility located at 10850 Lakeview Ave. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$1,000. 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 BOARD OF PHARMACY

In the Matter of)
)
Ivy Animal Health, Inc.)
)
Registration No. 4-117300)

Case No. 22-069

SUMMARY ORDER

NOW on this 17th day of March, 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of Ivy Animal Health, 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 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. 4-00115 which entitled Respondent to operate as a manufacturer in the State of Kansas.
2. On March 11, 2019, the ownership of Respondent’s facility changed from Ivy Animal Health, Inc. to Elanco Animal Health Incorporated.
3. On February 18, 2022, the Board received from Respondent a Form BA-04 Manufacturer Registration Application, notifying of the change in ownership from Ivy Animal Health, Inc. to Elanco Animal Health Incorporated, effective March 11, 2019, and applying for a new manufacturer registration under the new ownership.

4. On February 25, 2022, the Board approved Respondent's Manufacturer Application, effective immediately, and issued new Registration No. 4-117300.

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), the Board may take action against a registration to manufacture drugs or devices upon a finding that the registrant has violated the Kansas Pharmacy Practice Act or rules and regulations adopted thereunder.

3. Pursuant to K.S.A. 65-1643(g), it shall be unlawful for any person to manufacture any drugs or devices without first obtaining a registration to do so from the Board.

4. Pursuant to K.S.A. 65-1645(f), any registration issued under K.S.A. 65-1643, and amendments thereto, shall not be transferable.

5. Respondent's failure to submit the complete ownership change application to the Board until February 18, 2022 – almost three years after the change – indicates that Respondent was operating under a manufacturer registration issued to another owner, which is a transfer of the registration in violation of K.S.A. 65-1645(f).

ORDER

The Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of a fine pursuant to K.S.A. 65-1658, in the amount of \$1,00.00 to be paid within 30 days from the date of this Order.

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.

3/17/2022
Date


Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17th day of March, 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:

Ivy Animal Health, Inc.
10850 Lakeview Ave
Lenexa KS 66219



Kansas Board of Pharmacy Staff