

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
) Case No. 18-454
Joerns, LLC)
)
Registration No. 16-105237)

SUMMARY ORDER

NOW on this 12 day of June, 2018 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Joerns, LLC (16-105237) (“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. 16-00239 which entitles Respondent to provide Durable Medical Equipment (DME) in the State of Kansas (“Respondent’s Registration”).
2. On February 27, 2018, the address of Respondent’s facility was changed from 120 S. Central Avenue, Suite 400, Clayton, MO 63105 to 735 N. Gow St, Wichita, KS 67203.
3. On March 1, 2018, the Board received a Form BA-16 Change of Address Application. The application was incomplete and the Board sent Respondent an email notifying the items missing from the application.

4. On March 5, 2018, having received no documentation from the facility, the Board cancelled Respondent's Registration and emailed Respondent explaining the cancellation.

5. On March 5, 2018, the Board received the remaining outstanding documentation needed to complete the application. Respondent was again notified they would not have an active registration until the pre-opening inspection was completed.

6. On March 15, 2018, a Board inspector conducted the pre-opening inspection and concluded Respondent was operating during the unlicensed period of February 27, 2018 through March 15, 2018.

7. Following the pre-opening inspection on March 15, 2018, the Board approved the change in address and issued the Registration with the updated address.

CONCLUSIONS OF LAW

8. 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.

9. Pursuant to K.S.A. 16-1643(m), it shall be unlawful for any person to sell or lease durable medical equipment without first obtaining a registration from the Board, in accordance with rules and regulations adopted by the Board.

10. Respondent's failure to notify the Board of its change in address and obtain a new DME registration until March 15, 2018 – sixteen days after the address change occurred while operating at the new address – means Respondent was operating as a DME without a valid permit, in violation of K.S.A. 1643(m).

ORDER

Matter of Joerns, LLC No. 18-454 (Kan. Bd. of Pharmacy)

SUMMARY ORDER

Page 2 of 4

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 \$500.00. 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.

6/12/18
Date

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


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12 day of June, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Joerns, LLC
735 N. Gow Street
Wichita, KS 67203

and the original hand delivered to:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Kansas Board of Pharmacy Staff