

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Lovelace Drugs)
)
Registration No. 22-44692)

Case No. 18-727

SUMMARY ORDER

NOW on this 11 day of December, 2018 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Lovelace Drugs (22-44692) ("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. 22-44692 which entitles Respondent to operate as a non-resident pharmacy in the State of Kansas ("Respondent's Registration").
2. On September 14, 2018, the name of Respondent's facility was changed from Gardens Pharmacy LLC to Lovelace Drugs.
3. On September 14, 2018, the location and address of Respondent's facility was changed from 1019 Government Street, Suite D & F, Ocean Springs, MS 39564 to 801 Washington Ave, Ocean Springs, MS 39564.

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4. On November 29, 2018, the Board received a Form BA-22 Non-Resident Pharmacy Registration Application for its change in name and change in address.

CONCLUSIONS OF LAW

5. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000.00, 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.

6. Pursuant to K.S.A. 65-4116(g)(1), the registration of any location shall terminate when such authorized representative of a location changes the location as shown on the certificate of registration. In the event of a change of name, the authorized representative of the location shall notify the board promptly by filing the change of name or mailing address with the Board.

7. Pursuant to K.S.A. 65-1657(a), no nonresident pharmacy shall ship, mail or deliver, in any manner, prescription drugs to a patient in this state unless registered as a nonresident pharmacy.

8. Respondent's failure to promptly notify the Board of the change in name of the location and obtain a new registration under that name means Respondent violated K.S.A. 65-4116(g)(1).

9. Respondent's failure to notify the Board of its change in address and obtain a new registration for that address until November 29, 2018 – over two months since the address change occurred while operating at the new address – means Respondent was operating as a non-resident pharmacy without a valid registration, in violation of K.S.A. 65-1657(a)

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 \$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.

12/11/18

Date



Alexandra Blasi, JD, MBA

Executive Secretary

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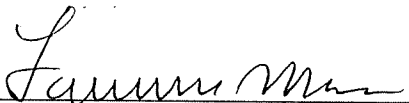
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11 day of December, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Lovelace Drugs
801 Washington Ave
Ocean Springs, MS 39564

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