

800 SW Jackson St., Suite 1414
Topeka, KS 66612



Phone: (785) 296-4056
Fax: (785) 296-8420
pharmacy@ks.gov
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

February 22, 2023

Alexander Oshmyansky
320 S. Walton St.
Dallas TX 75226

RE: Case No. 23-035
Mark Cuban Cost Plus Drug Company, PBC

Dear Mr. Oshmyansky:

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.

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. 23-035
Mark Cuban Cost Plus Drug Company, PBC)	
)	
<u>Applicant</u>)	

SUMMARY ORDER OF DENIAL

NOW, on this 22nd day of February, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Mark Cuban Cost Plus Drug Company, PBC ("Applicant").

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 of Denial 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. On August 29, 2022, the Board received Applicant’s application for registration as an outsourcing facility in the State of Kansas (“Applicant’s Application”).
2. On September 1, 2022, the Board sent Applicant an email requesting required information items missing from Applicant’s application.
3. On October 6, 2022, the Board sent Applicant a second email requesting the above information.
4. On January 3, 2023, the Board sent a final letter to Applicant’s address of record requesting the missing information items, including a copy of the home state outsourcing license, a

recent FDA inspection, a copy of the DEA registration, a list of other Kansas permits, and a list of other states in which registered and providing a response deadline of January 31, 2023.

5. To date, the Board has not received the required application documents or any further correspondence from Applicant.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1655b(c), the Board may deny the application for registration of an outsourcing facility on any ground that would authorize the Board to take action against the registration of a pharmacy under K.S.A. 65-1655.

2. Applicant failed to provide the following in conjunction with Applicant's Application: A copy of the home state outsourcing license, a recent FDA inspection, a copy of the DEA registration, a list of other Kansas permits, and a list of other states in which registered.

3. Applicant's failure to provide the Board with the required application information is a basis to deny Applicant's Application pursuant to K.S.A. 65-1655b(c).

4. Applicant failed, after multiple emails and a letter from the Board, to provide the lawfully requested application information.

5. Applicant's failure to supply the Board with the requested documentation is a basis to deny Applicant's Application pursuant to K.S.A. 65-1655b(c).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

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.

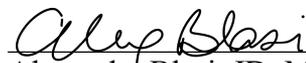
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

2/22/2023

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of February, 2023, 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:

Mark Cuban Cost Plus Drug Company, PBC
Attention: Alexander Oshmyansky
320 S. Walton St.
Dallas TX 75226



Kansas Board of Pharmacy Staff