

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
National Bladder Association LLC)
)
Registration No. 16-102138)

KANSAS STATE BOARD OF PHARMACY
Case No. 19-486

SUMMARY ORDER

NOW, on this 24th day of October 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of National Bladder Association LLC ("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. 16-102138 which entitles Respondent to operate as a Durable Medical Equipment ("DME") provider in the State of Kansas ("Respondent's Registration").

2. On August 5, 2019, the address of Respondent's facility was relocated from 253 Plaza Drive, Unit A, Oviedo, Florida 32765 to 800 Executive Drive, Suite 1002, Oviedo, Florida 32765.

3. On October 18, 2019, the Board received from Respondent a Form BA-16 DME Provider Registration Application (“Application”), notifying of the change in address that became effective August 5, 2019, and applying for a new DME provider registration at the new address.

4. On October 22, 2019, the Board approved Respondent’s Application effective immediately.

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. 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.

3. Respondent’s failure to notify the Board of its change in address and obtain a new DME provider registration until October 18, 2019 – more than 60 days from when the address change occurred – means Respondent was operating as a DME without a valid permit, in violation of K.S.A. 1643(m).

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.

Date

10/24/19

Kansas Board of Pharmacy



CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of October 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:

NATIONAL BLADDER ASSOCIATION LLC
800 EXECUTIVE DR, STE 1002
OVIEDO, FL 32765



Kansas Board of Pharmacy Staff