

BEFORE THE KANSAS STATE BOARD OF PHARMACY

FEB 01 2019

KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
NDC Distributors LLC)
Registration No. 5-102840)
_____)

Case No. 19-017

SUMMARY ORDER OF DENIAL

NOW on February 1, 2019, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of NDC Distributors LLC (hereinafter referred to as "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 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 renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or about April 7, 2017, the Board received Respondent's Wholesale Distributor Registration Application.
2. On April 25, 2017, the Board sent Respondent an email requesting certain information that was missing from Respondent's application.
3. On July 6, 2017, the Board sent Respondent a second email requesting the information that was missing from Respondent's application.
4. On November 15, 2017, the Board sent Respondent a third email requesting the information that was missing from Respondent's application.
5. On December 29, 2017, the Board sent Respondent a fourth email requesting the

information that was missing from Respondent's application.

6. On March 29, 2018, the Board sent Respondent a fifth email requesting the information that was missing from Respondent's application.

7. On May 11, 2018, the Board sent Respondent a sixth email requesting the information that was missing from Respondent's application.

8. On September 19, 2018, the Board sent Respondent a final email requesting the information that was missing from Respondent's application.

9. On October 5, 2018, the Board sent a final letter requesting the information that was missing from Respondent's application.

10. To date, the Board has not received the requested documentation from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1645(a), application for registration or permits under K.S.A. 65-1643, and amendments thereto, shall be made on a form prescribed and furnished by the Board. Applications for registration shall contain such information as may be required by the Board in accordance with the provisions of K.S.A. 65-1655, and amendments thereto, and K.S.A. 2017 Supp. 65-1655a and 65-1655b, and amendments thereto.

2. Pursuant to K.S.A. 65-1643(c), it shall be unlawful for any person to distribute at wholesale any drugs without first obtaining a registration as a wholesale distributor from the Board.

3. Pursuant to K.S.A. 65-1655(a), the Board shall require an applicant for registration as a wholesale distributor or an applicant for renewal of such a registration to provide the following information: (1) the name, full business address and telephone number of the applicant; (2) all trade or business names used by the applicant; (3) addresses, telephone numbers, and the names of

contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs; (4) the type of ownership or operation of the applicant; (5) the name of the owner or operator, or both; and (6) such other information as the Board deems appropriate.

4. Respondent's failure to provide the Board with the required application information is a basis to deny Respondent's application pursuant to K.S.A. 65-1645(a).

5. Pursuant to K.S.A. 65-1655(c), the Board may deny an initial application for registration or application for renewal of a registration of a wholesale distributor if the Board determines that the granting of such registration would not be in the public interest.

6. Respondent's failure to provide the Board with the required application information is a violation of K.S.A. 65-1655(a), and is a basis to deny Respondent's registration pursuant to K.S.A. 65-1655(c).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Wholesale Distributor Registration 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 Summary 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.

2/1/19

Date



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

CERTIFICATE OF
SERVICE

I hereby certify that I did, on February 1 , 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

NDC DISTRIBUTORS LLC
1825 65TH STREET SUITE 300
BROOKLYN, NY 11204



Kansas Board of Pharmacy Staff