

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Omnicare of Nebraska)
Pharmacy Registration No. 22-104828)
_____)

Case No. 18-695

SUMMARY ORDER OF DENIAL

NOW on December 26, 2018, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Omnicare of Nebraska. (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 January 17, 2018, the Board received Respondent's Non-Resident Pharmacy application.
2. On January 17, 2018, the Board emailed Respondent that the application was missing the following required items and needed Respondent to provide them by February 15, 2018:
 - a. An explanation or update of a discrepancy in the address;
 - b. A list of other states where the facility is registered or an indication that there are no other states;
 - c. An indication regarding whether the pharmacy does any compounding;

- d. An answer to Question 5 under the Disciplinary Information section;
 - e. An inspection report done by a pharmacy inspector within the last 18 months;
 - f. Proof of a designated pharmacist in charge who is licensed in Kansas.
3. On February 15, 2018, having not received the requested information, the Board emailed Respondent a second time requesting the above-listed information by March 15, 2018.
 4. On March 15, 2018, having not received the requested information, the Board emailed Respondent a third time requesting the above-listed information by April 15, 2018.
 5. On July 17, 2018, the Board mailed Respondent a letter requesting the above-listed information.
 6. On August 15, 2018, the Board emailed Respondent a final time requesting the above-listed information by August 30, 2018.
 7. On September 5, 2018, the Board sent Respondent a final letter requesting the above-listed information.
 8. To date, the Board has not received the requested information from Respondent.

CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 65-1657(b)(1), as a condition for the granting of a registration for a nonresident pharmacy, the nonresident pharmacy shall supply upon request, all information needed by the board to carry out the board's responsibilities under this section and rules and regulations adopted pursuant to this section.
10. Pursuant to K.S.A. 65-1643(a), it shall be unlawful for any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the Board.
11. Pursuant to K.S.A. 65-1645(a), application for registrations or permits under K.S.A. 65-1643 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.

12. Respondent's failure to provide the Board with the above-listed information needed by the Board is a violation of K.S.A. 65-1657(b)(1) and is a basis to deny Respondent's Application.

13. Respondent's failure to provide the Board with the above-listed information is a basis to deny Respondent's Application pursuant to K.S.A. 65-1643(a).

14. Respondent's failure to provide the Board with the above-listed information is a basis to deny Respondent's Application pursuant to K.S.A. 65-1645(a).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Non-Resident Pharmacy 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.

12/26/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on December 26, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

OMNICARE OF NEBRASKA
8402 S 117TH STREET
LA VISTA, NE 68128



Kansas Board of Pharmacy Staff