

STATE OF KANSAS



BOARD OF PHARMACY
800 S.W. JACKSON ST., SUITE 1414
TOPEKA, KS 66612

PHONE: (785) 296-4056
FAX: (785) 296-8420
pharmacy@ks.gov
www.pharmacy.ks.gov

GOVERNOR JEFF COLYER, M.D.
ALEXANDRA BLASI, J.D., M.B.A., EXECUTIVE SECRETARY

August 13, 2018

OPTIMED SPECIALTY PHARMACY
6480 TECHNOLOGY AVE, STE A
KALAMAZOO MI 49009

RE: *In the Matter of OptiMed Specialty Pharmacy*
Case No. 18-580

To whom it may concern:

The Kansas State Board of Pharmacy has concluded its review of your 2018 non-resident pharmacy renewal application and determined that you are noncompliant with the renewal requirements. As a result, your renewal application is being denied. Please read the enclosed Summary Order in its entirety, which provides details about the denial, which will be reported to the National Association of Boards of Pharmacy upon its effective date.

If you dispute the facts or legal basis for the action and wish to request a hearing regarding this matter, please reference the section titled "Notices" in the Order and promptly take action. Please be aware that if you request a hearing and the Board prevails, you will be required to pay the costs of the hearing.

If you have questions, please email pharmacy.compliance@ks.gov and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 18-580
OptiMed Specialty Pharmacy)	
Pharmacy Registration No. 22-45066)	
_____)	

SUMMARY ORDER OF DENIAL

NOW on August 13, 2018, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of OptiMed Specialty Pharmacy (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. The Board has issued Respondent Pharmacy Registration Number 22-45066 to operate a nonresident pharmacy in the State of Kansas.
2. On or around May 29, 2018, Respondent submitted a renewal application for Respondent's Kansas pharmacy registration.
3. Respondent's renewal application was reviewed for compliance and marked incomplete for the following reason(s):
 - a. Respondent submitted an inspection from the Michigan Bureau of Professional Licensing and Regulatory Affairs from October 2016.
 - b. Respondent did not provide a Kansas-licensed pharmacist to designate as a

pharmacist-in-charge for the pharmacy.

4. The Board sent one or more emails or letters to Respondent's address of record requesting documentation to complete the renewal application by a specified date.

5. To date, the Board has not received the requested documentation from Respondent to complete the renewal application.

CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-1627(e)(1), the Board may deny the renewal of any pharmacy registration upon a finding that the pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith.

7. Pursuant to K.A.R. 68-7-12a(1)(3), each pharmacy shall provide the record of a satisfactory inspection conducted within the previous 18-month period by the licensing entity of the state where the pharmacy is located. If no such inspection record is readily available, the record of a satisfactory inspection conducted at the expense of the pharmacy within the previous 18-month period by a third party recognized by the board to inspect may be accepted.

8. Respondent was required to provide proof of a satisfactory inspection conducted between January 1, 2017 and the date of renewal.

9. Respondent failed to provide the Board proof of a satisfactory inspection conducted by the Respondent's home-state licensing entity between January 1, 2017 and the date of renewal.

10. Pursuant to K.A.R. 68-7-12a(1)(3), each pharmacy shall designate a pharmacist-in-charge, as defined by K.S.A. 65-1626, and amendments thereto.

11. Pursuant to K.S.A. 65-1626(uu), a pharmacist-in-charge means the pharmacist who is responsible to the Board for compliance and supervision.

12. Pursuant to K.S.A. 65-1626(tt), pharmacist means a Kansas-licensed pharmacist.

13. Respondent was required to designate a Kansas-licensed pharmacist as pharmacist-in-charge.

14. Respondent failed to designate a Kansas-licensed pharmacist as pharmacist-in-charge.

15. Respondent's failure to supply the Board with the requested documentation for renewal of the Kansas pharmacy registration is a violation of K.A.R. 68-7-12a.

16. Respondent's failure to comply with regulations promulgated under the Kansas Pharmacy Practice Act authorizes the Board to deny Respondent's pharmacy registration renewal application under K.S.A. 65-1627(e)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Pharmacy Registration Renewal 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.

August 13, 2018

Date

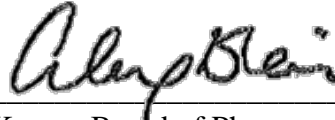


Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on August 13, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

OPTIMED SPECIALTY PHARMACY
6480 TECHNOLOGY AVE, STE A
KALAMAZOO MI 49009



Kansas Board of Pharmacy Staff

