

December 8, 2021

Osborn Drugs
103 S Main
Miami OK 74354

RE: Case No. 21-262

Dear Mr. Osborn:

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. In addition, a civil fine has been assessed totaling \$2,100. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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 BOARD OF PHARMACY

In the Matter of)
Osborn Drugs)
Registration No. 5-30969)

Case No. 21-262

SUMMARY ORDER

NOW on this 8th day of December, 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of Osborn Drugs (“Respondent”), for renewal of the wholesale distributor registration issued by the Board.

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. 5-20969 which entitles Respondent to operate as a wholesale distributor in the State of Kansas (“Respondent’s Registration”).
2. On July 1, 2021, Respondent’s Registration expired for nonrenewal.
3. On November 24, 2021, the Board received Respondent’s application for late renewal registration as a wholesale distributor in the State of Kansas (“Respondent’s Application”).

4. In conjunction with Respondent's Application, Respondent provided requested copies of shipping records for products shipped into Kansas. Respondent reported shipping into Kansas on 55 unique days during the previous 12-month period.

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. 65-1627(f)(6), the Board may take action against the application of any wholesale distributor upon a finding that the applicant has violated the pharmacy act of the state of Kansas or any regulation adopted by the Board.

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

4. Respondent's act of shipping into Kansas prior with an expired registration and no current wholesale distributor registration is a violation of K.S.A. 65-1643(c) and is a basis to take action against Respondent's Application pursuant to K.S.A. 65-1627(f)(6).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Application is hereby GRANTED but Respondent is ordered to pay a fine to the Board in the amount of \$2,100. Respondent has 30 days from the date of this order to pay the fine and the registration shall be issued upon receipt.

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.

12/8/2021

Date



Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of December, 2021 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:

Osborn Drugs
103 S Main
Miami OK 74354



Kansas Board of Pharmacy Staff