

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of )  
 )  
Personally Delivered, Inc. )  
Pharmacy Registration No. 16-104340 )  
\_\_\_\_\_ )

Case No. 18-646

**SUMMARY ORDER OF DENIAL**

NOW on December 11, 2018, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Personally Delivered, Inc. (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 September 18, 2018, the Board received Respondent's Durable Medical Equipment Registration renewal application.
2. Respondent's renewal application was reviewed for compliance and appeared to have an August 1, 2018 location inspection conducted by The Compliance Team that had the same typos, same patient audit, and same deficiencies as a previous inspection conducted on March 26, 2016.
3. On September 19, 2018, the Board contacted the Compliance Team, which informed the Board that Respondent has never been accredited or inspected at the current address or the previous address.

4. On September 19, 2018, the Board contacted Respondent to inquire as to whether Respondent had any accreditation certificates for the facility. Respondent's employee, Denise Maguire, informed the Board that Respondent had cancelled all accreditation because it is a cash-only company and does not bill to Medicare or Medicaid.

5. The Board informed Respondent that it was a requirement to have a permit or accreditation to be registered in the state of Kansas.

#### CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-1627(f)(1), the Board may deny the renewal of a durable medical equipment registration upon a finding that the registrant or registrant's agent has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas.

7. Pursuant to K.S.A. 65-1627(f)(5), the Board may deny the renewal of a durable medical equipment registration upon a finding that the registrant or registrant's agent has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations.

8. Respondent's falsification of its inspection on its renewal application is a material falsification of an application filed pursuant to the pharmacy act of the state of Kansas and is a basis to deny Respondent's renewal application pursuant to K.S.A. 65-1627(f)(1).

9. Respondent's falsification of its inspection on its renewal application is a falsification of records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations and is a basis to deny Respondent's renewal application pursuant to K.S.A. 65-1627(f)(5).

## ORDER

**Based upon the foregoing findings of fact and conclusions of law, Respondent's Durable Medical Equipment 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.


12/11/18  
Date

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

CERTIFICATE OF  
SERVICE

I hereby certify that I did, on December 11, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

PERSONALLY DELIVERED, INC.  
725 PRIMERA BLVD SUITE 200  
LAKE MARY, FL 32746

  
\_\_\_\_\_  
Kansas Board of Pharmacy Staff