

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed By

APR 15 2020

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Sterling Distributors)
)
Respondent No. 5-108734)

Case No. 20-038

SUMMARY ORDER OF DENIAL

NOW, on this 15th day of April 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Sterling Distributors ("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 application 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 February 15, 2019, the Board received Respondent's Wholesale Distributor Registration Application ("Respondent's Application").
2. On February 18, 2019, the Board sent Respondent correspondence requesting several required information items that were missing from Respondent's application.
3. On May 15, 2019, the Board sent Respondent a second correspondence requesting required information which was still missing from Respondent's application.
4. On September 16, 2019, the Board sent Respondent a third correspondence requesting information that was still missing from Respondent's application.
5. On October 14, 2019, the Board sent Respondent a fourth correspondence requesting

information that was still missing from Respondent's application.

6. On January 14, 2020, the Board sent Respondent a fifth correspondence requesting the information that was still missing from Respondent's application.

7. On February 4, 2020, the Board sent a final letter requesting the required inspection report or accreditation certificate that was still missing from Respondent's application.

8. To date, the Board has not received the required information from Respondent that would serve to complete their application.

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 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 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.

4/15/2020
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15th day of April 2020, 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:

STERLING DISTRIBUTORS
4381 NW 124 AVE
CORAL SPRINGS, FL 33065



Kansas Board of Pharmacy Staff