

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
United Scripts LTC, LLC)
Permit No. 22-110813)

Case No. 19-530

SUMMARY ORDER

NOW, on this 22nd day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of United Scripts LTC, LLC ("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 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 Non-Resident Pharmacy Registration No. 22-107248 which entitles Respondent to operate as a pharmacy in the State of Kansas.
2. On June 28, 2019, the ownership of Respondent's facility experienced a change in its limited liability company interests.
3. On November 6, 2019, the Board received from Respondent a Form BA-22 Non-Resident Pharmacy Registration Application ("Respondent's Application") notifying the Board of the ownership change that became effective June 28, 2019, and applying for a new Non-Resident Pharmacy registration under the new ownership structure.

4. On November 6, 2019, the Board approved Respondent's Application and issued a Non-Resident Pharmacy registration to the new ownership under registration number 22-110813, effective immediately.

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. 65-1643(a), it shall be unlawful for any person to operate, maintain, open, or establish any pharmacy within Kansas without first obtaining a registration from the Board, in accordance with rules and regulations adopted by the Board and including the name of the person(s) applying for the registration.

3. Pursuant to K.S.A. 65-1627(e)(1), a registration may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board 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.

4. Pursuant to K.A.R. 68-2-9, each registrant shall notify the Board in writing of any change in majority ownership of the operation for which the registration was issued within five days after the date the change in ownership becomes effective.

5. Respondent's failure to notify the Board of its ownership change and obtain a new Non-Resident Pharmacy registration until November 6, 2019 – several months after the ownership

change took place – means Respondent was operating as a Pharmacy without a valid permit, in violation of K.S.A. 1643(a).

6. Respondent’s failure to notify the Board of its ownership change within five days and in fact not until November 6, 2019 – several months after the ownership change took place – is a violation of K.A.R. 68-2-9 and therefore Respondent was violating the pharmacy practice act (see K.S.A. 65-1627(e)(1)).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is deemed in violation of the Act, and pursuant to K.S.A. 65-1658 is ordered to pay to the Board a fine of \$500 for the violations of K.A.R. 68-2-9 and K.S.A. 65-1643(a). Respondent has thirty (30) days from the date of this order to pay the \$500 fine.

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.

11/22/14
Date

Alex Blasi
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of November 2019, 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:

UNITED SCRIPTS LTC, LLC
3411 NE RALPH POWELL RD
LEE'S SUMMIT, MO 64034



Kansas Board of Pharmacy Staff