

July 26, 2023

Yavari, LLC
8530 NW 93rd St.
Medley FL 33166

RE: Case No. 23-288

To Whom It May Concern:

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 \$1,000. 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 STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 23-288
Yavari, LLC.)	
)	
<u>Registration No. 5-106900</u>)	

SUMMARY ORDER

NOW, on this 26th day of July, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Yavari, LLC ("Applicant").

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 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. The Board had previously issued Respondent Registration No. 5-106900 which entitles Respondent to operate as a wholesale distributor in the State of Kansas (“Respondent’s Registration”).

2. The Board received information that Respondent received a Notice of Violation from its resident state of Florida in July of 2021. The Florida discipline became finalized in September of 2021 as a \$9,500 fine citing the following violations:

- a. Purchasing prescription drugs from unauthorized source;
- b. Sale of adulterated prescription drugs;
- c. Failure to maintain records as required;

- d. Failure to provide names of employees responsible for wholesale operations;
and
- e. Failure to provide personal information statements for employees responsible for wholesale operations.

3. On May 31, 2022, the Board received a renewal application for Respondent's Registration, which was approved on May 31, 2022 with an expiration date of June 30, 2023. Respondent answered "No" to the question: "Has any license or registration, currently or previously held by the applicant been denied, disciplined, censured, revoked, suspended, or surrendered for the dispensing, manufacture or distribution of any drug or controlled substance?" Respondent certified the information submitted was true, correct, and complete to the best of Respondent's knowledge.

4. On June 27, 2023, the Board received a renewal application for Respondent's Registration, which was approved on June 27, 2023 with an expiration date of June 30, 2024. Respondent answered "No" to the question: "Has any license or registration, currently or previously held by the applicant been denied, disciplined, censured, revoked, suspended, or surrendered for the dispensing, manufacture or distribution of any drug or controlled substance?" Respondent certified the information submitted was true, correct, and complete to the best of Respondent's knowledge.

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)(1), a registration to operate as a wholesale distributor may be limited, conditioned, suspended, revoked or placed in a probationary status upon a finding that the registrant has obtained, renewed or attempted to obtain or renew a registration by false or

fraudulent means, including misrepresentation of a material fact or falsification of any application.

3. Pursuant to K.S.A. 65-1627(f)(3), a registration to operate as a wholesale distributor may be limited, conditioned, suspended, revoked or placed in a probationary status upon a finding that the registrant has had any federal registration for the manufacture, compounding, dispensing or distribution of drugs or devices suspended, limited, denied, disciplined, censured or revoked.

4. Respondent's wholesale distributor was disciplined by its resident state of Florida in September 2021. Such action is a basis to place Respondent's Registration on probation pursuant to K.S.A. 65-1627(f)(3).

5. Respondent's answer of "No" on Respondent's 2022 and 2023 renewal applications were misrepresentations of material fact on an application and are bases to place Respondent's Registration on probation pursuant to K.S.A. 65-1627(f)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is placed on a 3-year probationary status and Respondent is required to pay a fine to the Board in the amount of \$1,000. Respondent has 30 days from the date of this order to pay the fine. The terms of Respondent's probation are as follows:

- Respondent shall report to the Board any disciplinary action from any other jurisdiction related to Respondent's wholesale distributor within 10 days of the date of the action;
- Respondent shall comply with all laws and regulations of the jurisdiction in which Respondent operates;

- In conjunction with any renewal, Respondent shall submit to the Board a satisfactory inspection report that meets all Board requirements conducted within the previous 12-month period; and
- Respondent shall comply with all laws and regulations of the Pharmacy Practice Act.

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.

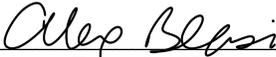
7/26/2023
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of July, 2023, 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:

Yavari, LLC
8530 NW 93rd Street
Medley FL 33166



Kansas Board of Pharmacy Staff