

June 7, 2024

Everwell Specialty Pharmacy  
40 Technology Parkway South, #300  
Norcross GA 30092

RE: Case No. 24-187

Dear PIC Phu Ngoc Vo:

Enclosed you will find an Amended 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 \$1,500. 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 still wish 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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Everwell Specialty Pharmacy )  
 )  
Registration No. 22-122287 )

Case No. 24-187

**AMENDED SUMMARY ORDER**

NOW on this 7th day of June, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Everwell Specialty Pharmacy (“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 Amended 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. On March 26, 2024, the Board issued Respondent Registration No. 22-122287 which entitles Respondent to function as a Non-Resident Pharmacy in the State of Kansas (“Respondent’s Registration”).

2. On April 1, 2024, the Board sent Respondent an email to begin reporting to K-TRACS (Kansas Prescription Monitoring Program). A deadline of April 8, 2024 was provided to begin reporting or respond to the email requesting additional time.

3. On April 9, 2024, the Board phoned Respondent’s facility. After waiting on hold for 10 minutes, the only selection option was for a prescription refill message.

4. On April 9, 2024, the Board mailed a letter to the attention of Respondent's pharmacist-in-charge at the facility location of record. The letter stated that pursuant to Kansas law, a pharmacy must submit daily reports to K-TRACS. The letter requested Respondent either start reporting to K-TRACS or provide a K-TRACS reporting exemption to the Board by April 30, 2024.

5. As of May 22, 2024, the Board had not received the requested K-TRACS reporting or any further correspondence from Respondent.

6. On May 31, 2024, the Board received the missing K-TRACS data reports for the period March 26 – May 31, 2024. Respondent has continued to submit daily reports since then.

#### 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. 65-1657(f), the Board may limit, condition, revoke, suspend or place in a probationary status a registration on any ground that would authorize the Board to take action against the registration of a pharmacy under K.S.A. 65-1627.

3. Pursuant to K.S.A. 65-1627(e)(1), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that such 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.S.A. 65-1627(e)(9), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that such pharmacy has been operated in such manner that the violations of the provisions of the prescription

monitoring program act of the state of Kansas or any rule and regulation of the board have occurred in connection therewith.

5. Pursuant to K.S.A. 65-1627(e)(10), the Board may limit, condition, revoke, suspend or place in a probationary status the registration of a pharmacy upon a finding that the pharmacy has failed to furnish the Board, its investigators, or its representatives any information legally requested by the Board.

6. Pursuant to K.S.A. 65-1683, each pharmacy shall submit to the Board by electronic means information required by the Board regarding each prescription dispensed for a scheduled substance or drug of concern.

7. Pursuant to K.A.R. 68-7-12a, each nonresident pharmacy shall meet the requirements of this regulation to be and remain registered in Kansas by the Board. The pharmacist-in-charge shall timely respond to any lawful request for information from the Board.

8. Pursuant to K.A.R. 68-21-2, each pharmacy shall file a report with the Board for each scheduled substance and drug of concern sold in Kansas or to an address in Kansas. This report shall be submitted by the end of the next business day from the day that the drug is sold.

9. By failing to have its pharmacist-in-charge respond to the Board after a lawful request for information, Respondent violated K.A.R. 68-7-12a, which is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(1) and K.S.A. 65-1657(f).

10. By failing to timely report to K-TRACS, Respondent violated K.S.A. 65-1683 and K.A.R. 68-21-2, which is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(9) and K.S.A. 65-1657(f).

11. Respondent failed, after multiple communications from the Board, to provide the lawfully requested information until May 31, 2024 – over two months after the date of the first-

missed report. Respondent's failure to timely submit the requested K-TRACS reports is a basis to take action against Respondent's Registration pursuant to K.S.A. 65-1627(e)(10) and 65-1657(f).

### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$1,500. Respondent has 30 days from the date of this order to pay the fine by check or money order.

### 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.

6/7/2024

\_\_\_\_\_  
Date


*Alex Blasi*

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7th day of June, 2024 deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Everwell Specialty Pharmacy  
ATTN PIC Phu Ngoc Vo  
40 Technology Parkway South, #300  
Norcross GA 30092

  
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Kansas Board of Pharmacy Staff