

July 3, 2024

Mark Cuban Cost Plus Pharmacy LLC
2909 Taylor St. Suite C
Dallas, TX 75226

RE: Case No. 24-223

Dear Mark Cuban Cost Plus Pharmacy LLC:

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 \$5,000. 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

cc:

InCorp Services, Inc.
Registered Agent
534 S Kansas Ave, Suite 100
Topeka KS 66603

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Mark Cuban Cost Plus Pharmacy LLC)
)
Registration No. 22-120637)

Case No. 24-223

SUMMARY ORDER

NOW on this 3rd day of July, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Mark Cuban Cost Plus Pharmacy 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 Registration No. 22-120637 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On October 15, 2023, Evan Cleaver ceased to serve as Pharmacist-in-Charge (“PIC”) from Respondent’s Pharmacy, Mark Cuban Cost Plus Pharmacy.
3. On June 17, 2024, the Board received a Change in PIC Form BA-50, notifying the Board of a change in Respondent’s PIC on October 15, 2023.
4. On or about June 17, 2024, the Board processed the PIC change.

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.A.R. 68-1-2a(a), each pharmacy or registrant required to have a PIC that operates for more than 30 days without a designated PIC shall be deemed to be in violation of K.S.A. 65-1627(e).

3. Pursuant to K.A.R. 68-1-2a(c), each pharmacy owner shall submit to the Board, on a BA-50, notice of designation of a new PIC at the pharmacy or facility required to have a PIC no later than 30 days after the previous PIC has ceased to serve as the PIC.

4. Since Respondent's previous PIC ceased to serve as PIC effective October 15, 2023, Respondent had 30 days to designate a PIC by notification to the Board, or until November 14, 2023.

5. Respondent failed to submit the complete Change of PIC application to the Board until June 17, 2024, which was nearly seven months beyond the 30-day window for designating a new PIC.

6. Respondent violated K.A.R. 68-1-2a when it failed to designate and provide the completed application for a designated PIC to the Board within 30 days.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$5,000 to the Board within 30 days from the date of this 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.

7/3/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of July, 2024 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:

Mark Cuban Cost Plus Pharmacy LLC
2909 Taylor St
Suite C
Dallas, TX 75226

InCorp Services, Inc.
Registered Agent
534 S Kansas Ave, Suite 100
Topeka KS 66603



Kansas Board of Pharmacy Staff