

May 10, 2024

Midtown Express Pharmacy
5309 Meadowlake Rd
Brentwood TN 37207

RE: Case No. 24-207

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.

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. 24-207
Midtown Express Pharmacy)	
)	
<u>Applicant</u>)	

SUMMARY ORDER OF DENIAL

NOW, on this 10th day of May, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Midtown Express Pharmacy ("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 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 April 19, 2023, the Board received Applicant’s application for registration as a non-resident pharmacy in the State of Kansas (“Applicant’s Application”).
2. On May 23, 2023, the Board sent Applicant an email requesting required information items missing from Applicant’s application.
3. On May 30, 2023, the Board received revisions to Applicant’s Application and additional supporting documentation. Applicant’s designated pharmacist-in-charge (“PIC”) had not yet been licensed in Kansas.
4. On August 10, 2023, the Board sent Applicant a second email requesting the facility’s email address, a completed S-350 nonresident information form, and the Kansas license number of

the PIC.

5. On September 13, 2023, the Board sent the PIC an email requesting missing items from the PIC's pharmacist licensure application. To date, the PIC has not obtained Kansas licensure.

6. On November 8, 2023, the Board sent a final letter to Applicant's address of record requesting the missing information items, including a Kansas-licensed PIC and providing a response deadline of December 15, 2023.

7. To date, the Board has not received the required application documents or any further correspondence from Applicant.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1657(f), the Board may deny the application for registration of a non-resident pharmacy on any ground that would authorize the Board to take action against the registration of a pharmacy under K.S.A. 65-1627.

2. Pursuant to K.S.A. 65-1627(e)(1), the Board may deny the application for registration of a pharmacy upon a finding that such pharmacy has been operated in a manner that violates the provisions of the Pharmacy Act of the State of Kansas or regulations of the Board.

3. Pursuant to K.S.A. 65-1627(e)(10), the Board may deny the application for 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.

4. Pursuant to K.S.A. 65-1657(a) applications for a nonresident pharmacy registration shall be made on a form prescribed and furnished by the Board.

5. Pursuant to K.S.A. 65-1657(b), the Board shall require an applicant for registration as a nonresident pharmacy or an applicant for renewal of such a registration to provide a Kansas-licensed PIC.

6. The Board's application for registration as a nonresident pharmacy requires Applicant provide a Kansas-licensed PIC.

7. Applicant failed to provide a Kansas-licensed PIC in conjunction with Applicant's Application.

8. Applicant's failure to provide the Board with the required application information is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(e)(1) and 65-1657(a) and (b).

9. Applicant failed, after multiple emails and letters from the Board, to provide the lawfully requested application information.

10. Applicant's failure to supply the Board with the requested documentation is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(e)(10).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's 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.

5/10/2024
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10th day of May, 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:

Midtown Express Pharmacy
5309 Meadowlake Rd
Brentwood TN 37027



Kansas Board of Pharmacy Staff