

May 22, 2024

Momentum
15506 College Blvd
Lenexa KS 66219

RE: Case No. 24-191

Dear Gerald Sloan:

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 BOARD OF PHARMACY

In the Matter of)
)
Momentum)
)
Registration No. 16-114065)

Case No. 24-191

SUMMARY ORDER

NOW on this 22nd day of May, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of Momentum. (“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. 16-114065 which entitles Respondent to operate as a durable medical equipment provider in the State of Kansas (“Respondent’s Registration”).

2. On April 4, 2024, the Board’s Inspector attempted to conduct an inspection of Respondent’s facility located at 15042 W 106th Street, Lenexa, Kansas (“Old Address”). Upon arriving, the Inspector observed “Attention: Momentum is moving to: 15506 College Blvd, Lenexa, KS 66215. We will be moving from this location to our new facility today” signage on the exterior glass of the entry door. The Inspector emailed Gerald Sloan, Respondent’s contact,

requesting Sloan confirm the change in address to 15506 College Blvd, Lenexa, Kansas (“New Address”), which Sloan did.

3. On April 29, 2024, the Board received from Respondent a Form BA-16 Durable Medical Equipment Registration Application, notifying of the change in address to the New Address, effective April 1, 2024, and applying for a new durable medical equipment registration at the New Address.

4. On May 25, 2024, the Board approved Respondent’s Durable Medical Equipment Provider Application, 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. 65-1627(f)(6), the Board may take action against the application of any durable medical equipment provider upon a finding that the applicant has violated the pharmacy act of the state of Kansas or any regulation adopted by the Board.

3. Pursuant to K.S.A. 65-1643(m), it shall be unlawful for any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the Board.

4. Pursuant to K.S.A. 65-1645(f), registrations issued pursuant to K.S.A. 65-1643 *shall not be transferrable* and shall expire every year.

5. By continuing to operate as a wholesale distributor at the New Address using the registration issued to the Old Address, Respondent violated K.S.A. 65-1643 and 65-1645, which is a basis to impose discipline against Respondent’s Registration pursuant to K.S.A. 65-1627(f)(6).

6. Respondent's failure to submit the complete change of address application to the Board until April 29, 2024 – almost 30 days after the effective date of change – and continuing to operate without a valid registration is a basis to discipline Respondent's Registration pursuant to K.S.A. 65-1627(f)(6).

ORDER

The Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of a fine pursuant to K.S.A. 65-1658, in the amount of \$1,000. Respondent has 30 days from the date of this order to pay the full amount due.

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.

5/22/2024

Date


Alex Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd 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:

Momentum
15506 College Blvd
Lenexa KS 66219



Kansas Board of Pharmacy Staff