

January 4, 2023

Aeroare Holdings, LLC
220 W. Germantown Pike, Suite 250
Plymouth Meeting PA 19462

RE: Case No. 22-284
AeroCare Home Medical Equipment, Inc.
7076 Universal Avenue
Kansas City MO 64120

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 \$2700. 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. 22-284
AeroCare Home Medical Equipment, Inc.)	
)	
<u>Registration Number 16-115382</u>)	

SUMMARY ORDER

NOW, on this 4th day of January 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of AeroCare Home Medical Equipment Inc. (“Respondent”) and the late renewal application for Respondent’s durable medical equipment registration.

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. On August 20, 2021, the Board issued Respondent registration number 16-115382 to operate as a durable medical equipment provider in the state of Kansas.
2. On June 30, 2022, the registration expired for nonrenewal.
3. On October 14, 2022, the Board received Respondent’s late renewal application for the registration (“Respondent’s Renewal”).
4. In conjunction with Respondent’s Renewal, Respondent provided to the Board a list of products sold and the dates of sale. Respondent reported operating on 85 unique days in Kansas

while the registration was expired.

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. Respondent operated from July 1, 2022 to October 14, 2022 without a durable medical equipment registration, specifically on 85 unique days.

5. Respondent's act of operating in Kansas as a durable medical equipment provider without a valid registration is a violation of K.S.A. 65-1643(m) and is a basis to take action against Respondent's registration pursuant to K.S.A. 65-1627(f)(6).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Renewal is hereby GRANTED but Respondent is ordered to pay a fine to the Board in the amount of \$2,700. Respondent has 30 days from the date of this order to pay the fine and the registration shall be issued upon receipt.

NOTICES

Respondent is hereby notified as follows:

SUMMARY ORDER

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.

1/4/2023

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of January 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:

AeroCare Holdings, LLC
220 W. Germantown Pike, Suite 250
Plymouth Meeting PA 19462



Kansas Board of Pharmacy Staff