

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
the Application for Reinstatement)
after Revocation of)
Amtis Amani)

Case No. 16-170

ORDER DENYING PETITION FOR RECONSIDERATION

On August 8, 2017, the Kansas Board of Pharmacy considered Respondent's Petition for Reconsideration of the Final Order entered July 14, 2017, said Petition for Reconsideration being filed on August 1, 2017. Pursuant to K.S.A. 77-529(a) and (b), the Kansas Board of Pharmacy denies Respondent's Petition and determines not to reconsider the Final Order in this matter.

As such, the Final Order entered on July 14, 2017 shall remain in effect, including all findings and conclusions therein and the order denying Respondent's application for reinstatement of her pharmacy technician license after previous revocation.


Within the time limits established in K.S.A. 77-613, either party may seek judicial review of the Final Order, pursuant to said statute. The agency officer designated to receive services of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612-1244

IT IS SO ORDERED.

8/8/17

Date



Chad Ullom, R.Ph.
Board Investigative Member

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2017, a true and correct copy of the foregoing was sent by US mail, postage prepaid, properly addressed to the following:

Amtis Amani
7221 Niemann Rd
Shawnee, KS 66203
Respondent

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste 201
Topeka, KS 66604
Disciplinary Counsel for Kansas Board of Pharmacy

Michele L. Tunnell
Administrative Law Judge
Office of Administrative Hearings
1020 South Kansas Avenue
Topeka, KS 66612



Alexandra Blasi
Executive Secretary

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Amtis Amani)
)
_____)

Case No. 16-170

FINAL ORDER

NOW on this 14 day of July, 2017 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Amtis Amani (“Applicant”) and application for reinstatement after revocation.

The hearing in this matter was convened on April 6, 2017. Appearing for the Board were: President, John Worden PharmD; Vice President, Michael Lonergan R.Ph; and members, Robert Haneke, PharmD; James Garrelts, PharmD;, R.Ph.; David Schoech, R.Ph.; Chad Ullom, R.Ph.; and Cheri Pugh.

Kevin Fowler appeared as the Board’s disciplinary counsel.

Applicant appeared in person.

FINDINGS OF FACT

For purposes of this order, the Board’s Investigative Member makes the following findings of fact:

1. Applicant was initially granted license number 14-14730 to practice as a pharmacy technician in the State of Kansas.
2. On December 23, 2014, the Board issued a summary order of revocation to Applicant due to Applicant attempting to fill the same prescription twice at two different pharmacies.

3. On September 2, 2016, the Board received Applicant's application for reinstatement after revocation.

4. On April 6, 2017, Applicant attended an administrative hearing in the presence of the Board on the matter of reinstatement.

5. A background check sent to the Board by the Kansas Bureau of Investigation ("KBI") indicated Applicant has two prior arrests, in 2002 and 2006, for driving under the influence of drugs or alcohol ("DUI").

6. The Board received a letter from a therapist who had treated Applicant, explaining Applicant's admission to inpatient recovery at a crisis mental health center at the time the Applicant's Order of Revocation was entered. The letter further detailed Applicant's continued progress and attempts at recovery.

7. Applicant submitted several certificates indicating her completion of several programs including addiction treatment as well as several educational programs in pursuit of future employment in the medical field.

8. At the hearing, Applicant testified regarding her past struggles and continued attempts and progress towards recovery from alcohol and drug use and dependencies.

9. The Board unanimously voted to deny Applicant's petition for reinstatement.

CONCLUSIONS OF LAW

10. That pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

11. That pursuant to K.S.A. 1627(f). If such license, registration or permit is revoked, such revocation shall be for all time, except that at any time after the expiration of one year, application may be made for reinstatement of any license. Such application shall be processed in accordance with the provisions of the Kansas administrative procedure act.

12. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee fails to show sufficient rehabilitation to warrant the public trust.

13. That pursuant to 65-1627(a)(3), the Board may deny licensure to an applicant if the licensee is found by the board to be guilty of unprofessional conduct.

14. That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct is defined as conduct likely to deceive, defraud or harm the public.

15. Applicant's failure to show rehabilitation after the course of previous unprofessional conduct which resulted in the revocation of her tech registration is a basis to deny Applicant's application pursuant to K.S.A. 65-1627(a)(2) and (a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

The Board recommends Applicant continue her rehabilitation efforts for an extended period of time, and submit a new application with demonstrations of such additional rehabilitation at that time which Applicant desires to return to the pharmacy technician role in Kansas.

NOTICES

Applicant is hereby notified as follows:

16. Applicant 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.

17. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.


18. 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.

19. 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, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

7/14/17
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14 day of July, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Amtis Amani
7221 Niemann Rd
Shawnee, KS 66203



Kansas Board of Pharmacy Staff