

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

SEP 24 2020

KANSAS STATE BOARD OF PHARMACY

Case No. 20-241

In the Matter of)
)
Nicholas Bakarich)
)
Registration No. 24-111535)

SUMMARY ORDER

NOW, on this 24th day of September 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Nicholas Bakarich, ("Applicant"), for application for registration as a Kansas pharmacy technician.

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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On March 5, 2020, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").

2. Applicant answered "No" to the following question on his application: "Have you been charged with or convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors." The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History ("Form S-150").

3. The Board received information regarding a July 2019 DUI charge.

4. On March 16, 2020, the Board sent a letter to Applicant's mailing address of record requesting a completed Form S-150, as well as certified copies of the court pleadings from the case.

5. On May 19, 2020, the Board sent a second request to Applicant's email address of record requesting the same.

6. On May 19, 2020, the Board received from Applicant a request to extend his timeline in which to submit the requested documents, which was granted by the Board to be extended until July 17, 2020.

7. On or about July 31, 2020, the Board received the requested documentation. Applicant's personal statement and court records documented that Applicant entered into a 12-month diversion agreement on February 6, 2020, has acknowledged the seriousness of his offense, submitted proof of successfully completed alcohol and drug class, and provided character references.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public.

4. Applicant's driving under the influence of alcohol is unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must continue compliance with the terms of his court diversion agreement;
- Applicant must notify the Board of any change in his diversion status within 10 days of the change;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of his pharmacy technician registration;
- Applicant must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

1. 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.

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

IT IS SO ORDERED.

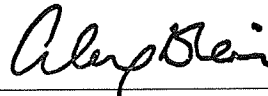
9/24/2020
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of September 2020, 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:

NICHOLAS BAKARICH
1113 W 13th TERR
EUDORA, KS 66025



Kansas Board of Pharmacy Staff