

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 17-146

**Richard Blankenship**

**FINAL ORDER**

**Statement of Case**

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) upon the application of Richard Blankenship for transfer of his licensure to practice as a pharmacist in the State of Kansas.

The hearing in this matter was held on September 13, 2018. Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Robert Haneke, PharmD; Bill Walden, R.Ph.; Michael Lonergan, R.Ph.; Chad Ullom, R.Ph.; and, Cheri Pugh, Public Member

Randall J. Forbes appeared as the Board's disciplinary counsel.

Mr. Blankenship appeared *pro se* and testified on his own behalf.

**Findings of Fact**

1. Mr. Blankenship appeared before this Board on November 9, 2017. The issue before the Board was whether to approve Mr. Blankenship's application for a reciprocal license to practice a Pharmacist in the state of Kansas. The Board stayed its ruling on Mr. Blankenship's license for a period of one (1) year.

2. The facts set forth in the Order issued by this Board in this matter on November 29, 2017, are incorporated herein as if set forth fully herein, and area supplemented as set forth below.

3. Mr. Blankenship signed a five (5) year contract in September of 2017 to participate in the Kansas Professional Resource Network (KsPRN).

4. Due to the distance required to be traveled to attend meetings in person, relative to his compliance with the terms and conditions of the contract with KsPRN, Mr. Blankenship attends meetings via the telephone. Mr. Blankenship is required to take notes of the meetings he attends pursuant to the contract and submit paperwork to KsPRN.

**Applicable Law**  
**and**  
**Discussion**

1. K.S.A. 65-1631, governing reciprocal licensure, provides, in pertinent part:

(d) Notwithstanding the preceding provisions of this section, the board may in its discretion license as a pharmacist, without examination, any person who is duly registered or licensed by examination in some other state, except that the board may require that such person take the law examination approved by the board. Such person shall file proof satisfactory to the board of having the education and training required of applicants for licensure under the provisions of the pharmacy act of this state. Persons who are registered or licensed as pharmacists by examination in other states shall be required to satisfy only the requirements which existed in this state at the time they become registered or licensed in such other states. The provisions of this subsection shall apply only if the state in which the person is registered or licensed grants, under like conditions, reciprocal registrations or licenses as pharmacists, without examination, to pharmacists duly licensed by examination in this state. Reciprocal licensure shall not be denied to any applicant otherwise qualified for reciprocal licensure under this section who has

met the internship requirements of the state from which the applicant is reciprocating or who has at least one year of practice as a licensed pharmacist. A reciprocal licensure may be denied for any of the reasons set forth in subsections (a)(1) through (a)(13) of K.S.A. 65-1627 and amendments thereto.

2. K.S.A. 65-1676(a) provides:

(a) The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that:

(1) The licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact;

(2) the licensee has been convicted of a misdemeanor involving moral turpitude or gross immorality or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner;

(7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the licensee has failed to comply with the continuing education requirements of the board for license renewal;

(10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of K.S.A. 65-1648(c) or (d), and amendments

thereto, has failed to comply with the requirements of K.S.A. 65-1648(c) or (d), and amendments thereto;

(11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order; or

(14) the licensee has assisted suicide in violation of K.S.A. 21-3406 prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto...

3. The Board continues to take note of Mr. Blankenship's significant history of substance abuse and diverting drugs, while employed as a pharmacist, to provide to others, as well as for his own use.

4. Mr. Blankenship did testify that he has remained sober and is willing to prove his sobriety. He stated that he currently has a sponsor and that he is subject to random drug tests 2-3 times per month. Mr. Blankenship also testified that he is seeing a therapist as part of the program he is going through under his contract with KsPRN.

5. The Board noted that while Mr. Blankenship does have a pharmacist license through the State of Florida, it has been more than ten (10) years, October of 2007, since he last practiced pharmacy.


6. The Board also notes that Mr. Blankenship is still subject to the requirements of the Florida PRN and, as well as the requirements of the contract that he entered into with KsPRN in September of 2017. According to testimony offered, Mr. Blankenship has been compliant with the requirements of KsPRN.

Order

Upon the unanimous vote of the Board, subject to his passage of the Kansas pharmacy law exam (MPJE), Mr. Blankenship is granted a reciprocal license; however, such license shall be probationary until such time as he completes his contractual obligations with KsPRN (4 years). Furthermore, Mr. Blankenship cannot be a pharmacy owner, a preceptor or a PIC in the State of Kansas.

**IT IS SO ORDERED.**

10-19-18  
Date

  
John Worden, PharmD, President  
Kansas Board of Pharmacy

## NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

On October 26, 2018, I mailed a copy of this document  
to:

Richard Brent Blankenship  
P.O. Box 464  
Ashland, KS 67831

Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

and hand-delivered a copy to:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244



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Staff Person