

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
 Jimmie Hart)
 14-103273)
 _____)

Case No. 17-119

SUMMARY ORDER OF DENIAL

NOW on this 1 day of February, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, Jimmie Hart (the “Applicant”), for his 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 Investigation Member enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

For purposes of this order, the Board’s Executive Secretary makes the following findings of fact:

1. On or about June 9, 2017, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” 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.

3. Applicant included an S-150 Personal History statement, listing a domestic battery offense resulting in court fines.

4. On or about June 9, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been convicted of misdemeanor assault, resulting in a fine and 30 days confinement.

5. On June 20, 2017, the Board sent Applicant a letter requesting he submit an explanation detailing the circumstances surrounding the charges referenced in his S-150 and KBI report.

6. On December 29, 2017, the Board sent Applicant a final letter requesting she submit an explanation detailing the circumstances surrounding the charges referenced in his S-150 and KBI report.

7. To-date, Applicant has not responded to any of the Board’s requests for information, or any other correspondence.

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 of 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)(2), the Board may deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude and the

licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

4. That K.S.A. 65-1626(sss)(7) defines unprofessional conduct to include conduct likely to deceive, defraud or harm the public.

5. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an Applicant who has failed to furnish the board, its investigators or its representatives any information legally requested by the board;

6. Applicant's misdemeanor assault conviction and failure to show he has been sufficiently rehabilitated to warrant public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

7. Applicant's assault conviction is unprofessional conduct and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

8. Applicant's failure to respond to the Board's S-150 Request is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

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 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.
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.

1/31/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of February, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Jimmie Hart
512 Woodlawn Ave
Salina, KS 67401



Kansas Board of Pharmacy Staff