

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
KYLE B. JONES)

Filed By
MAY 28 2015
KANSAS STATE
BOARD OF PHARMACY
Case No. 15-026

SUMMARY ORDER OF DENIAL

NOW on this 21st day of May, 2015, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the application of Kyle B. Jones (the "Applicant") for licensure as a Kansas pharmacist.

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.* ("Act"), 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, the Board's Investigation Member makes the following findings, conclusions and order:

FINDINGS OF FACT

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

1. On July 23, 2014 the Board received Applicant's application for licensure as a pharmacist in the State of Kansas ("Applicant's Application").
2. The Board's Investigation Member has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Applicant has committed an act or acts in violation of the Act that would justify denying Applicant's Application pursuant to K.S.A. 65-1627.

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3. While acting as a pharmacist intern in the State of Kansas, pursuant to a pharmacy intern registration granted by the Board, Applicant diverted controlled substances belonging to his pharmacy employer and self-administered them.

4. Based upon the Applicant's conduct and admissions, there is compelling evidence leading to the conclusion that the Applicant is addicted to drugs to such a degree as to render him unfit to practice as a pharmacist.

CONCLUSIONS OF LAW

5. The Board may deny the application for licensure to practice pharmacy in the State of Kansas on any ground which would authorize the board to take disciplinary action against the license of a pharmacist under K.S.A. 65-1627.

6. The Board may take action against the license of a pharmacist, pursuant to K.S.A. 65-1627(a)(3), for unprofessional conduct.

7. K.S.A. 65-1626 (ccc)(5) defines unprofessional conduct to include the unlawful possession of drugs.

8. The Board may take action against the license of a pharmacist, pursuant to K.S.A. 65-1627(a)(4), for being addicted to drugs to such a degree as to render him unfit to practice as a pharmacist.

9. The Board may take action against the license of a pharmacist, pursuant to K.S.A. 65-1627(a)(13), for self-administering a controlled substance without a valid prescription.

10. The conduct described in paragraphs 4 and 5 above justify denial of the Applicant's Application.

ORDER

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

NOTICES

The Applicant is hereby notified as follows:

11. The 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.

12. If a hearing is not requested as described above, this summary order denying Applicant's Application shall become a final order of the Board, effective upon the expiration of the time to request a hearing.


13. 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.

14. 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:

Debra Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

5-21-15
Date


Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of May, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kyle B. Jones
550 Stone Ridge Dr., Apt. D208
Lawrence, KS 66049

Kyle B. Jones
2307 Hawthorne Dr.
Lawrence, KS 66047

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

and a copy via email to:

jylekones@gmail.com

and the original hand delivered to:

Debra L. Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612



Kansas Board of Pharmacy Staff