

Filed By
AUG 04 2016
KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Jason Kim)
Applicant)
_____)

Case No. 16-114

SUMMARY ORDER OF DENIAL

NOW on this 30th day of July, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the transfer application of Jason Kim (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.*, 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 Investigative Member makes the following findings of fact:

1. On or about June 16, 2016, the Board received Applicant's application for transfer of pharmacist license to the state of Kansas ("Applicant's Application").
2. As part of Applicant's Application, he included documentation regarding his previous discipline and licensure in California.

3. Applicant included a California Accusation Order stating that he had broken several federal laws and pharmacy rules during his time as Pharmacist in Charge (“PIC”) at SportPharm Pharmaceuticals, Inc. (“SportPharm”) in California.

4. Per the California Accusation, Applicant furnished dangerous drugs without authorization, kept incomplete records, did not adequately keep records of the purchase and distribution of dangerous drugs, furnished drugs lacking in quality or strength, dispensed with inaccurate patient information, did not maintain records for the required three year period, and aided and abetted unlicensed activity.

5. Through a Stipulated Retirement of License and Order, which was sent to the Board, the California Board of Pharmacy revoked Applicant’s license to practice pharmacy effective February 7, 2013.

6. After reviewing the California Orders, the Board requested Applicant send additional information, including a Board issued S-150 personal history form, as well as a written explanation of his disciplinary activity and any letters of recommendation for licensure.

7. On July 6, 2016, the Board received Applicant’s response, including all requested documentation.

8. According to Applicant’s response, he is licensed in Wisconsin and Louisiana.

CONCLUSIONS OF LAW

9. That pursuant to K.S.A. 65-1631(d), a reciprocal license may be denied for any of the reasons set forth in subsection(a)(1) through (a)(13) of K.S.A. 65-1627 and amendments thereto.

10. That pursuant to K.S.A. 65-1627(a)(12), a transfer application for pharmacist licensure may be denied if the applicant has had a license to practice pharmacy revoked,

suspended or limited, has been censured, or has had other disciplinary action taken against him by the proper licensing authority of another state.

11. The Applicant's severity of his past disciplinary action in California, the time elapsed since the discipline, and the subsequent revocation of his California license are grounds to deny his application for licensure in Kansas under K.S.A. 65-1627(a)(12).

12. Furthermore, Applicant has failed to provide sufficient evidence of rehabilitation since the revocation in California because he has failed to demonstrate consciousness of any wrongful conduct.

ORDER

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

NOTICES

Applicant is hereby notified as follows:

13. 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.

14. 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.

15. 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.

16. 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.

07/30/16

Date



David Schoech, R.Ph.
Investigation Member
Kansas Board of Pharmacy


CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of August, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Jason Kim
12724 Sagamore Rd.
Leawood, KS 66209

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff