

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Raymond Lance)
_____)

Case No. 19-071

SUMMARY ORDER OF DENIAL

NOW on this 3 day of May, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Raymond Lance, (“Applicant”), for his application for reinstatement of 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 Executive Secretary 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 January 7, 2019, the Board received Applicant’s application for reinstatement for licensure as a pharmacist in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on his application: Has there been a denial, revocation, suspension, voluntary surrender, or any other disciplinary action taken by the State of Kansas or any other jurisdiction against any professional or occupational license or registration held by you?

3. Applicant answered “No” to the following question on his application: Have you been convicted of (included 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.

4. The Board’s records indicate that Applicant’s Kansas Pharmacist license was previously placed on probation in 1996.

5. The Board received information that Applicant had been convicted of misdemeanor violating a protection order in 2017.

6. On March 1, 2019, the Board mailed Applicant a letter requesting he provide the Board with a completed Personal History Form S-150, as well as certified court documents for the offense.

7. On March 11, 2019, the Board received a Personal History Form S-150 from Applicant, but it did not provide detail, only stating that Applicant plead no contest to the charge.

8. On March 15, 2019, the Board mailed Applicant a second letter requesting he provide the Board with a more detailed explanation of the circumstances surrounding the offense.

9. On March 27, 2019, the Board received a second Personal History Form S-150 with slightly more detail, but still did not provide very much context surrounding the circumstances that led to the conviction.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny an application for any pharmacist upon a finding that the licensee has attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

2. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application of any pharmacist upon a finding that the licensee has been convicted of a misdemeanor involving moral turpitude or gross immorality and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Applicant's answer of "No" to the professional disciplinary question is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

4. Applicant's answer of "No" to the criminal history question on his application is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

5. Applicant's misdemeanor conviction for violating a protection order and his failure to show he has been sufficiently rehabilitated to warrant the public trust with a detailed explanation or any documents (letters of recommendation, mental health evaluations, etc.) showing rehabilitation is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for reinstatement of his pharmacist license is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

6. 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.

7. 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.

8. 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.

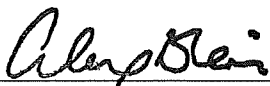
9. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

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

IT IS SO ORDERED.

Date

5/3/19



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of May, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Raymond Lance
610 S Summit St
Girard, KS 66743



Kansas Board of Pharmacy Staff