

Filed

MAR 29 2012

**KANSAS STATE
Board of Pharmacy**

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Jonathan Miller, for) Case No. 12-07
Reinstatement as a Licensed)
Pharmacist.)

FINAL AGENCY ORDER

On March 8, 2012, the Kansas State Board of Pharmacy (“Board”) held a hearing on the application of Jonathan Miller (“Respondent”) for reinstatement as a licensed pharmacist in the State of Kansas. Respondent appeared in person, and Doug M. Taylor acted as counsel for the Board. After considering the evidence admitted at the hearing, the Board enters the following final agency order.

FINDINGS OF FACT

1. On January 15, 2009, Respondent entered into an agreement with the Board whereby he agreed to cease practice until further order of the Board.
2. After being seen and evaluated by Valley Hope Association, on February 5, 2009, Respondent was asked to participate in Valley Hope’s Intensive Outpatient Program.
3. Respondent failed to comply with the Intensive Outpatient Program, and on May 8, 2009, a Petition to Revoke, Suspend or Otherwise Limit License was issued by the Board.
4. On May 18, 2009, an Emergency Order of Suspension was issued by the Board for failure to comply with previous agreements.
5. A Prehearing Conference was scheduled for July 1, 2009, to discuss the Emergency Order.

6. Respondent did not appear at the Prehearing Conference, and a Default Order was issued on August 6, 2009, granting the previous Emergency Order to Suspend Respondent's license.
7. On January 17, 2012, Respondent applied for reinstatement of his license with the Board.

CONCLUSIONS OF LAW

1. The Board is a Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Act, K.S.A. § 65-1626, *et seq.*, including conducting hearings and proceedings to revoke, suspend, limit or otherwise discipline a Kansas license to practice pharmacy, registration as a pharmacy, and/or registration as a pharmacy technician.
2. On March 8, 2012, the Board met and held a hearing on the application for the reinstatement of Respondent's license to practice pharmacy, and determined that Respondent's application should be approved with the following stipulations:
 - a. Respondent shall only practice pharmacy in a non-dispensing role;
 - b. Respondent shall remain enrolled in the Oklahoma Pharmacists Helping Pharmacists ("OPHP") program as directed;
 - c. Respondent shall obtain a letter from OPHP upon his completion of the program and provide such letter to the Board; and
 - d. Respondent shall authorize OPHP to discuss the progress of his treatment in the program with the Board or its authorized agent.

ORDER

Based upon the evidence introduced at the hearing on March 8, 2012, and the foregoing findings and conclusions, Respondent's application for reinstatement of his license to practice pharmacy in the State of Kansas is hereby granted, with the terms and conditions outlined above.

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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

Debra Billingsley
Executive Director
Kansas State Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612

IT IS SO ORDERED.

March 28, 2012
Date

James Garrelts
James Garrelts, Pharm.D., President
Kansas State Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct, fully executed copy of the above and foregoing Final Agency Order was served upon the following by United States mail, postage prepaid, on the 29 day of March, 2012, addressed to:

Jonathan Miller
9777 North Council Rd., Apt. 4120
Oklahoma City, OK 73162



Doug M. Taylor, Compliance Counsel