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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

January 31, 2022

KYLE AKERS
4024 SE 37th ST
TOPEKA, KS 66605

RE: Case No. 22-031

Dear Mr. Akers:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
Kyle Akers)
)
Registration No. 24-116758)

Case No. 22-031

SUMMARY ORDER

NOW, on this 31st day of January 2022, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kyle Akers, ("Applicant"), for 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 Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order.

FINDINGS OF FACT

1. On December 14, 2021, 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 questions 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 and Have you ever been pardoned from a felony or misdemeanor criminal offense and Have you ever had a felony or misdemeanor conviction expunged from your*

record and Have you ever been charged with or convicted of (includes plea of guilty of no contest) a violation of any federal or state drug law(s) or rules(s) whether or not a sentence was imposed, suspended, or diverted? The application directs that if the applicant gives an answer of “YES”, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In his Form S-150, Applicant disclosed that he had been placed on diversion for a February 2019 DUI. Applicant submitted accompanying court documents which were deemed by the Board as incomplete to fully support his Form S-150 statement.

4. On December 20, 2021, the Board mailed a letter to Applicant’s address of record requesting he provide the diversion agreement and documents surrounding its stipulated drug assessment.

5. On January 4, 2022, the Board received from Applicant several documents, but no confirmation showing his diversion successfully completed was provided. Applicant did provide proof of a completed alcohol awareness class, also stipulated by the diversion agreement.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may take action on an application for issuance of any registration as 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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(vvv), unprofessional conduct includes conduct likely to deceive or harm the public.

4. Applicant's DUI incident was unprofessional conduct and a basis to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3), as he was unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time. The choice to break the law, drink and drive, and so endanger the public, carries the potential to place the pharmacy community at risk. Additionally concerning, is Applicant's inability to produce documentation of an event both serious and recent in nature.

5. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED, SUBJECT TO A 2-YEAR PROBATIONARY STATUS. The terms of Applicant's probation are as follows:

- Applicant must continue compliance with the terms of his court diversion agreement, should it still be in place;
- Applicant must notify the Board of any change in his court status within 10 days of the change;
- Applicant must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of his pharmacy technician registration;

- Applicant must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

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 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.

11/31/2022
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31st day of January 2022, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

KYLE AKERS
4024 SE 37th ST
TOPEKA, KS 66605



Kansas Board of Pharmacy Staff