

May 23, 2023

Brayden Coller
512 E Park St
Pittsburg KS 66762

RE: Case No. 23-021

Dear Mr. Coller:

Enclosed you will find an Amended 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

In the Matter of)
)
Brayden Coller)
)
Registration No. 24-119032)

Case No. 23-021

AMENDED SUMMARY ORDER

NOW, on this 23rd day of May, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Brayden Coller, (“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 Amended 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 October 3, 2022, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on her 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. The Board received information regarding the following offenses: July 2020 Liquor, Consumption or sale of liquor by minor, Driving under influence of alcohol or drugs, Misdemeanor, Traffic control signal Infraction, Operate a motor vehicle without a valid license and Vehicles, Improper registration of vehicle offenses; October 2020 Non-Verifiable offense; and May 2021 Driving while license cancelled/suspended/revoked offense.

4. On October 6, 2022, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On November 2, 2022, Applicant requested additional time to provide the requested documentation, which was granted.

6. On or about December 12, 2022, the Board received the requested documentation, which indicated that Applicant previously completed a 12-month diversion agreement and most recently entered into a 12-month diversion agreement for DUI in December 2022.

7. On January 24, 2023, the Board issued a Summary Order granting Applicant's Application subject to payment of a fine and a two-year probationary period.

8. On March 21, 2023, the Board mailed a letter to Applicant's address of record requesting payment of the past-due fine.

9. On April 25, 2023, the Board sent a second letter to Applicant's address of record requesting payment of the past-due fine.

10. To date, the Board has not received payment of the fine nor any further correspondence from Applicant.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. That pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal 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.

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

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the license of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

6. That pursuant to K.S.A. 65-1627 (a)(15), the Board may deny the license of a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

7. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to deny Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

8. Applicant's DUI offenses are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3), especially given the recent nature of Applicant's 12-month diversion agreement and lack of demonstration of rehabilitation.

9. Applicant's failure to pay the past-due fine or comply with the other probationary terms is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application.

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:

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.

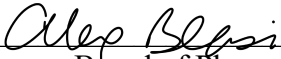
5/23/2023
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23rd day of May, 2023, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Brayden Coller
512 E Park St
Pittsburg KS 66762



Kansas Board of Pharmacy Staff