

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Caleb Cowsert)
3-103582)
_____)

Case No. 19-037

SUMMARY ORDER OF PROBATION

NOW on this 12 day of April, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Caleb Cowsert, ("Respondent").

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 investigation 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. The Board has previously issued Respondent Pharmacy Intern Registration Number 3-103582 authorizing him to perform the functions of a pharmacy intern in the State of Kansas ("Respondent's Registration").
2. On or about January 25, 2019, the Board received notification that Respondent had been arrested on January 23, 2019 for battery on a law enforcement officer, criminal trespass, and interference with a law enforcement officer.

3. On January 30, 2019, the Board mailed Respondent a letter requesting he provide a completed Personal History Form S-150 to explain the offenses, as well as certified court documents for the case.

4. On February 11, 2019, Respondent's attorney requested additional time to provide the documents. The Board granted an extension until April 1, 2019.

5. On March 29, 2019, the Board received the requested Personal History Form S-150, as well as the requested court documents. The court documents indicated an additional charge of battery had been added. Respondent also provided his voluntary substance use disorder assessment summary report, several years of performance reports from his employment at Kansas Rehabilitation Hospital, and a signed letter of recommendation from his employer.

6. Respondent's personal statement explained that the charges resulted from an incident where he had consumed too much alcohol and was trying to gain access to his apartment, not realizing that he was at the wrong apartment. His statement indicated the police were called and the charges occurred as a result. His statement also detailed that the neighbors whose apartment he tried to gain access to have contacted the District Attorney to inform the District Attorney that they were not threatened in the situation.

7. Respondent's personal statement indicated that his attorney is currently in discussions with the District Attorney regarding having Respondent's diversion dismissed as soon as he completes 20 hours of community service, writes apology letters to those involved, completes a mental health assessment, attends an 8-hour alcohol education course, and pays for fees. Respondent also indicated that he plans to apologize to the officer in person if allowed to do so.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(d)(1), the Board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist intern on any ground that 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 revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee is found by the board to be guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1627(ttt), unprofessional conduct includes conduct likely to deceive, defraud, or harm the public.

4. Respondent's recent arrest is unprofessional conduct and is a basis to place Respondent's Registration on a probationary status pursuant to K.S.A. 65-1627(a)(3).

5. Given that pharmacy is a profession where adherence to the law is of crucial importance, Respondent's recent disregard for the law suggests that Respondent may present a risk to the public and should be monitored for compliance with the Kansas Pharmacy Practice Act for a period of time. Thus, Respondent's recent criminal offenses are bases to place Respondent's pharmacy intern registration on a probationary status.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Intern Registration is hereby subject to a two-year probationary period requiring Respondent to comply with the following terms:

- Respondent must notify the Board of any changes in his employment within 10 days of the change;
- Respondent must inform his preceptor and pharmacist-in-charge of the probationary status of his intern registration and provide a signed statement from his preceptor and pharmacist-in-charge acknowledging the probationary status of his intern registration within 10 days of the effective date of this order;
- Respondent must comply with any court mandated requirements that may be imposed and provide updates regarding any change in the status of his case within 10 days of that change;
- Respondent must comply with the Kansas Pharmacy Practice Act and all rules and regulations thereunder.

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.

4/12/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12 day of April, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Probation, properly addressed to the following:

Caleb Cowsert
3309 NW 33rd Terr
Topeka, KS 66618



Kansas Board of Pharmacy Staff