

August 18, 2022

Joshua Hawksley
3739 SW Plaza Dr, Apt 105
Topeka KS 66609

RE: Case No. 22-106

Dear Mr. Hawksley:

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)
)
Joshua Hawksley)
)
Registration No. 24-116770)

Case No. 22-106

AMENDED SUMMARY ORDER

NOW, on this 18th day of August 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Joshua Hawksley, (“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 December 16, 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 question 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. Applicant did not provide an S-150 in conjunction with Applicant's Application.
4. The Board received information regarding a February 2011 theft offense, a May 2011 violating condition of release, a September 2013 protective order from harassment violation, and an April 2014 violation of protective order.
5. On December 27, 2021, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.
6. On January 27, 2022, the Board received a request for additional time for Applicant to submit the requested information, which was granted.
7. On February 23, 2022, the Board mailed Applicant a second letter requesting the information, which had not yet been provided.
8. On or about March 18, 2022, the Board received the requested documentation. Applicant's personal statement and court records documented the aforementioned offenses, which occurred in Maine.
9. On or about April 18, 2022, the Board issued a Summary Order granting Applicant's Application on a one-year probationary status subject to a \$200 fine pursuant to K.S.A. 65-1627(a)(1) and (a)(3).
10. To date, Applicant has not paid the fine and has not yet been issued a registration.

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 take action on 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 application 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 application of any pharmacist who has been found guilty of unprofessional conduct.

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

6. 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 take action against Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

7. Applicant's criminal offense history is considered a pattern of unprofessional conduct warranting additional supervision in the pharmacy setting pursuant to K.S.A. 65-1627(a)(3).

8. That pursuant to K.S.A. 65-1627(a)(16), the licensee has violated or failed to comply with any lawful order or directive of the board.

9. Applicant's failure to pay the required fine is a violation of K.S.A. 65-1627(a)(16).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration 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.

8/18/2022

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of August 2022, 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:

Joshua Hawksley
3739 SW Plaza Dr, Apt 105
Topeka KS 66609



Kansas Board of Pharmacy Staff