

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
THOMAS J. JOHNSON)

Case No. 15-020

SUMMARY ORDER OF DENIAL

NOW on this 23rd day of February, 2015, comes before the Kansas Board of Pharmacy (the “Board”), through its Investigation Member, the application of Thomas J. Johnson (the “Respondent”) 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 Investigation Member enters this Summary Order of Denial in the above-captioned matter. After reviewing the application 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 Investigative Member makes the following findings of fact:

1. On January 30, 2015, the Board received Respondent’s application for registration as a pharmacy technician in the State of Kansas (“Respondent’s Application”).
2. As part of the Respondent’s Application, he answered “YES” to the question: “Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?” A supplement to the Respondent’s Application, signed by him on February 13, 2015, provided the following information

regarding his yes answer: “On 5/14/2008, I was charged with the misdemeanor, Eavesdropping, in Division M1 of the Johnson County Court, Case Number 08JV01323. I was sentenced to report 6 months to a Community Service Officer and successfully completed the sentence.”

3. The Respondent’s Criminal History provided to the Board by the Kansas Bureau of Investigation showed that on December 18, 2014 he was convicted of abuse of toxic vapors.

4. As part of the Respondent’s Application, he certified that the information provided was true, correct and complete and that he understood that withholding relevant information was grounds for denying his application.

CONCLUSIONS OF LAW

5. 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.

6. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

7. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

8. That, pursuant to K.S.A. 65-1627(a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

9. The Respondent’s failure to disclose the criminal conviction identified in paragraph 3 above is an attempt to obtain a registration by fraud and is a basis to deny Respondent’s Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Application is hereby DENIED.

NOTICES

The Respondent is hereby notified as follows:

11. The 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.

12. If a hearing is not requested as described above, the Order denying the Respondent's Application for registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

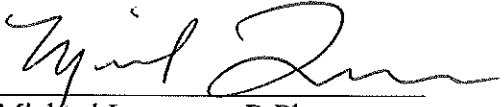
13. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

14. 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:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

2-23-15
Date


Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of February, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Thomas J. Johnson
7864 W. 153rd Terr.
Overland Park, KS 66223



Kansas Board of Pharmacy Staff