

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 18-705

In the Matter of)
Eric Kelly)
Applicant)

SUMMARY ORDER OF DENIAL

NOW on this 12th day of July, 2019 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Eric Kelly ("Applicant"), for application for a Kansas pharmacy technician registration.

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 of Denial 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

1. On November 5, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of the application, Applicant disclosed that he had a 2011 (determined by the Board to have occurred in 2012) offense for possession of paraphernalia.
3. The Board received additional information regarding a March 27, 2018 offense for possession of marijuana, which was not disclosed by Applicant.
4. On November 20, 2018, the Board sent a letter to Applicant's address of record requesting a completed Personal History Form S-150 for each case, as well as certified copies of the court pleadings from each case.

5. On December 26, 2018, the Board received an additional Personal History Form S-150; however, the Board did not receive the requested court documents.
6. On January 3, 2019, the Board sent a second letter to Applicant's address of record requesting certified copies of the court pleadings.
7. On March 4, 2019, the Board received court documents for the 2018 offense only.
8. On March 15, 2018, the Board mailed a Final Notice to Applicant's address of record requesting the certified court documents from the 2012 offense.
9. To date, the Board has not received the requested documentation.

CONCLUSIONS OF LAW

1. 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.
2. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against 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.
3. Applicant's failure to supply the Board with the requested documentation 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

The Applicant is hereby notified as follows:

1. The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

2/12/19

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12th day of July, 2019 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:

Eric Kelly
2204 SE Pine Gate Cir
Blue Springs, MO 64014



Kansas Board of Pharmacy Staff