

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Andrew Perine)
14-16646)
_____)

Case No. 18-678

SUMMARY ORDER

NOW on this 25 day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Andrew Perine, ("Applicant"), for his renewal 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 Summary Order 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 Executive Secretary makes the following findings of fact:

1. On or about October 14, 2018, the Board received Applicant's renewal application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Application materials indicated Applicant had been convicted in June of 2018 for driving under the influence of alcohol and an additional class C misdemeanor traffic offense.

3. On or about October 24, 2018, the Board received Applicant's Personal History Form S-150, explaining that he had been arrested on January 20, 2018 for driving under the influence of alcohol and inattentive driving. This arrest was what led to the June 2018 conviction. Applicant stated that he had been placed on probation for one year and is required to complete a twelve-week alcohol treatment program as a condition of his probation. Additionally, Applicant provided a letter from his pharmacy supervisor attesting to Applicant's integrity and the responsibility Applicant took for his actions following the offense.

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. Pursuant to K.S.A. 65-1627(a)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any misdemeanor involving moral turpitude and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

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

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

5. Applicant's misdemeanor conviction is a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as he is still on probation and

therefore, unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's recent arrest and conviction for driving under the influence of alcohol is unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal of his pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must continue compliance with the terms of his court probation;
- Applicant must notify the Board of any change in his court probation status within 10 days of the change;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of his pharmacy technician registration;
- Applicant must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of his probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

7. 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.

8. 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.


9. 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.

10. 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.

2/25/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25 day of February, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Andrew Perine
4541 SE 26th Terrace
Topeka, KS 66605



Kansas Board of Pharmacy Staff