

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
DEC 22 2014
KANSAS STATE
BOARD OF PHARMACY

KANSAS BOARD OF PHARMACY,)
)
 Plaintiff,)
)
 vs.)
)
 MATTHEW PERRY, R.PH.)
 Kansas License No. 1-11833)
)
 Defendant.)
 _____)

Case No. 14-127

SUMMARY ORDER OF LICENSE REVOCATION

NOW on this 23 day of December, 2014, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Matthew Perry, R.Ph. ("Licensee").

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, ("Pharmacy Act") and in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, *et seq.*, the Board's Investigation Member enters this Summary Order in the above-captioned matter. After reviewing the records of the Board and of the United State District Court for the District of Kansas, the Investigation Member makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board previously issued Licensee Kansas License No. 1-11833 entitling Licensee to practice pharmacy in the State of Kansas ("Kansas License")
2. On October 21, 2014 Licensee was found guilty by the United State District Court for the District of Kansas of conspiracy to distribute, dispense or possess with intent to

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distribute oxycodone and hydrocodone in violation of 21 U.S.C. §§ 841 (a)(1), 841 (b)(1)(C) and 846, a Class C Felony.

3. Based upon the aforesaid conviction, Licensee was sentenced to 72 months of imprisonment.

4. The last mailing address Licensee provided to the Board was 11329 West 141st Terrace, Overland Park, Kansas 66221.

CONCLUSIONS OF LAW

5. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Pharmacy Act.

6. The Pharmacy Act provides that the Board may revoke the Kansas license of a pharmacist when the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust. K.S.A. 65-1627 (a)(2). Licensee's October 21, 2014 conviction in the United State District Court is a sufficient basis for revocation of his Kansas License.

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Licensee's Kansas License is hereby **REVOCKED**.

NOTICES

The Licensee is hereby notified as follows:

7. The Licensee may request a hearing pursuant to the Kansas State Administrative Procedures 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 revoking Licensee's Kansas License shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

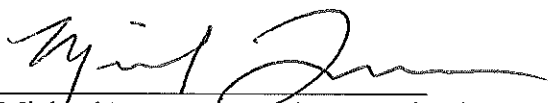
9. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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:

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

IT IS SO ORDERED.

12-11-14
Date


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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing SUMMARY ORDER OF LICENSE REVOCATION was served by depositing same in the United States mail, postage prepaid, this 23rd day of December, 2014 addressed to:

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Matthew Perry
11329 West 141st Terrace
Overland Park, KS 66221

Matthew Perry
12200 W 106th Street, Suite 140
Overland Park, KS 66215



For the Kansas Board of Pharmacy