

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Tyler Randolph)
3-107293)
14-14348)
_____)

Case No. 18-613

SUMMARY ORDER APPROVING REGISTRATION AND PERMIT

NOW on this 24th day of January, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Tyler Randolph, (“Applicant”), for application for a pharmacy intern permit and for renewal of his pharmacy technician registration in the State of Kansas.

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 Approval 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 August 8, 2018, the Board received Applicant’s pharmacy intern registration application (“Intern Application”).

2. Applicant answered “Yes” to the following questions on his Intern Application:

(1) Have you been charged with or convicted of (included 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; and (2) Have you ever been convicted of (includes plea of guilty or no contest) or charged with a violation of any federal or state drug law(s) or rule(s) whether or not a sentence was imposed, suspended, or diverted?

3. Applicant attached an S-150 Personal History form to his Intern Application explaining that he was arrested on September 27, 2017 for possession of marijuana and drug paraphernalia in Johnson County, Kansas. In December, 2017, Applicant entered into a 12-month diversion agreement with the court, including monitoring services and random drug tests, and was in compliance with the agreement. Applicant indicated he was on track to complete the diversion in December 2018.

4. On September 4, 2018, the Board sent an email to Applicant requesting a copy of the signed diversion agreement and any other court documents associated with his 2017 arrest and drug charges, which Applicant promptly provided.

5. On or about October 29, 2018, the Board received Applicant's online pharmacy technician renewal application "Technician Renewal".

6. Applicant answered "Yes" to the following questions on his Technician Renewal: (1) Have you been charged with or convicted of (included 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; and (2) Have you ever been convicted of (includes plea of guilty or no contest) or charged with a violation of any federal or state drug law(s) or rule(s) whether or not a sentence was imposed, suspended, or diverted?

7. Applicant attached an S-150 Personal History form to his Technician Renewal explaining in two short sentences that he had been arrested in December 2017 for possession of marijuana and drug paraphernalia and had entered into a diversion agreement with the court which was set to be completed in December 2018.

8. On January 6, 2019, Applicant provided a copy of the court's order of dismissal based on Applicant's successful completion of the diversion program.

9. Applicant included no letters of recommendation or other form of supporting documentation with his Application to assist in demonstrating his rehabilitation.

10. Applicant made statements in his Application and to Board staff indicating the following:

- a. Applicant has been a pharmacy technician since 2013 and a certified pharmacy technician since 2016. Applicant has been working toward a career in pharmacy since high school and "regrets the decisions that compromised that goal."
- b. During the 2017 routine traffic stop leading to the criminal charges, Applicant was in possession of 0.9 grams of marijuana, 5 orange pill bottles, a grinder, and rolling papers.
- c. This was Applicant's first and only criminal charge(s).
- d. Applicant admitted to smoking marijuana in social settings not more than two or three times per week, but during the routine traffic stop he was alone in the vehicle.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(d)(1), the Board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist

intern on any ground that 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)(3), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee is found by the board to be guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-162(tt), unprofessional conduct includes conduct likely to deceive, defraud, or harm the public.

4. Applicant expressed remorse for his actions and indicated he understood the severity of his actions. Though he did provide an explanation of the circumstances surrounding the criminal offense and has timely completed all diversion requirements, Applicant provided no detailed written statement, letters of recommendation, or other support to demonstrate his rehabilitation from this criminal offense involving illicit drugs.

5. Applicant has only recently completed the terms of his diversion agreement, which included random drug screening.

6. Applicant's recent diversion and criminal charges for possession of illicit drugs is unprofessional conduct and is a basis to place Applicant's registration on a probationary status pursuant to K.S.A. 65-1627(a)(3).

7. Given that pharmacy is a profession where adherence to the law is of crucial importance most specifically in consideration of the access to drugs in the pharmacy setting, Applicant's recent disregard for the law and diversion suggest that Applicant may present a risk to the public and should be monitored for compliance with the Kansas Pharmacy Practice Act and Kansas Controlled Substances Act prior to having an unrestricted registration. Thus,

Applicant's criminal offense and diversion are bases to place Applicant's registration on a probationary status.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Intern Application is hereby GRANTED subject to a 2-year probationary period requiring Applicant notify the Board of all changes in employment within 10 days, inform his preceptor of the probationary status of his intern registration, and comply with the Kansas Pharmacy Practice Act and Kansas Controlled Substances Act, and all regulations thereunder. Additionally, Applicant's preceptor is required to acknowledge to the Board in writing that he has read and understands Applicant's probationary status.

In addition, Applicant's Technician Renewal is hereby GRANTED subject to a 2-year probationary period requiring Applicant notify the Board of all changes in employment within 10 days, inform the pharmacist-in-charge of the probationary status of his technician registration, and comply with the Kansas Pharmacy Practice Act and Kansas Controlled Substances Act, and all regulations thereunder. Additionally, Applicant's pharmacist-in-charge is required to acknowledge to the Board in writing that he has read and understands Applicant's probationary status.

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 granting Applicant's registrations subject to probation shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

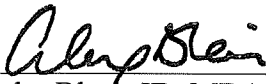
3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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.

1/24/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of January, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Approval, properly addressed to the following:

Tyler Randolph
5660 Jaymir Cir
Louisburg KS 66053



Kansas Board of Pharmacy Staff