

July 22, 2021

JOSHUA RITCHIE
14320 W 116th ST, APT 2318
OLATHE, KS 66062

RE: Case No. 21-083

Dear Mr. Ritchie:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

3. The application directs that if an applicant gives an answer of “YES”, he or she must attach a Personal History Form S-150 (“S-150”). Applicant did attach an S-150, but its statement section was blank, as the page included only his contact information, his certification signature, and the date he gave such signature.

4. As part of Applicant’s Application, Applicant certified that the information provided was true, correct and complete, and understood that falsification of the information provided was grounds for denying his Application.

5. On February 15, 2021, the Board emailed Applicant at his email address of record to request he submit a completed S-150 for his application.

6. On February 18, 2021, the Board received from Applicant an S-150 with two sentences, noting an assault charge for which diversion was completed in 2015, and a theft charge for which Applicant was currently still serving diversion.

7. On February 23, 2021, the Board mailed a letter to Applicant’s address of record requesting a more thorough S-150 as per its instructions, and that he provide certified court documents from each case.

8. On or about March 16, 2021, the Board received court documents from Applicant which outlined that for the 2013 felony aggravated assault charge, Applicant had entered into a one-year diversion agreement which had stipulated the completion of 20 hours of community service, and a “Street Smart” class and/or treatment. Applicant successfully completed such diversion in January of 2015, with the case then closed in February. Concerning the 2020 misdemeanor theft charge, court documents detailed that Applicant entered into a one-year diversion agreement on January 13, 2021, during which period he must complete an anti-theft class and pay restitution to Target, where the incident occurred. Also included in Applicant’s

submitted documents were a certificate verifying that he completed the required theft class on January 28, 2021, multiple successful educational certificates, and the terms of his current mental therapy program.

9. Subsequently, Applicant's documents were forwarded for review to the Board's Individual License Evaluator ("the Evaluator"), who then conducted a phone interview ("the interview") with Applicant.

10. Applicant reported to the Evaluator that he fell in with the wrong crowd, self-reported substantial substance use, dropped out of college at one point due to polysubstance abuse, does not view his shoplifting as theft, and currently attends mental health treatment.

11. On or about May 26, 2021, the Board received from Applicant a thorough S-150 statement, along with a note from his clinician stating that Applicant continues to be actively and consistently engaged in twice-monthly therapy, which he began in December of 2020. Applicant's thorough S-150 statement demonstrated consciousness of his wrongful conduct but did not denote an understanding of the severity or potential impact his behavior could have in a pharmaceutical role. This statement also detailed Applicant's experimentation with LSD, cannabis, and other drugs, documented that the assault charge and resulting diversion were both unanticipated, and that the theft charge was the result of his having been a disgruntled former employee with declining mental health. Applicant decided on his own to seek therapy and noted his realization over time of the importance and guidance of the criminal justice system.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may 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 deny an application upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or 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 deny an application of any pharmacist who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public, as well as the unlawful possession of drugs.

5. Applicant's misdemeanor theft incident is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2), as he is unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time. Specifically, Applicant is still under his diversion agreement awaiting the outcome of his court case, and has noted that the underlying mental health issues which motivated this criminal action are still being treated.

6. Applicant's theft offense, as well as his admitted experimentation with illicit substances, are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). It should be emphasized that the nature and recentness of Applicant's theft offense as well as the relation of his experimentation to controlled substances, when combined with the pharmacy setting that requires a high degree of exposure and access to controlled medications, present a heightened opportunity for diversion and so pose a risk to both the public and the pharmacy community.

ORDER

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

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 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.

7/22/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of July 2021, 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:

JOSHUA RITCHIE
14320 W 116th ST, APT 2318
OLATHE, KS 66062



Kansas Board of Pharmacy Staff