

May 27, 2021

BAILEY TIPTON
12133 W 76th ST, APT 203
LENEXA, KS 66216

RE: Case No. 21-074

Dear Mr. Tipton:

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Bailey Tipton)
)
Applicant)

Case No. 21-074

SUMMARY ORDER OF DENIAL

NOW, on this 27th day of May 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Bailey Tipton (“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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 30, 2020, 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 answered “YES” to the question: *Have you ever been convicted of (includes 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.* The application directs that if the applicant answers YES, the applicant must attach a Form S-150: Personal History (“S-150”).

3. On his Form S-150, Applicant disclosed with one sentence fragment a charge for “paraphernalia in Lenexa, KS, on December 13th of 2017”.

4. Subsequently, the Board received a criminal background report indicating that Applicant had indeed been convicted of a misdemeanor charge for the use of/possession with intent to use drug paraphernalia into the human body.

5. On December 14, 2020, the Board sent a letter to Applicant’s email address of record requesting a more detailed S-150 and certified copies of the court pleadings from the case.

6. On or about January 12, 2021, the Board received from Applicant three pages of court documents surrounding the incident, but no S-150 was provided.

7. On February 15, 2021, in response to an email inquiry from Applicant regarding his Application status, the Board emailed Applicant a second request for a more detailed S-150.

8. On February 22, 2021, the Board received from Applicant a brief email response regarding the incident. The Board immediately responded via email that his response would likely be deemed insufficient, and that Applicant should let the Board know if he wished his Application to be reviewed by the Board even so. Applicant did not respond.

9. On April 8, 2021, the Board emailed a final request to Applicant’s email address of record, requesting a detailed S-150 one last time. Applicant did not respond to the Board’s request.

10. To date, the Board has not received from Applicant the requested detailed S-150, nor any further correspondence following his brief February 22nd statement.

CONCLUSIONS OF LAW

1. 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)(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.

5/27/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of May 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:

BAILEY TIPTON
12133 W 76th ST, APT 203
LENEXA, KS 66216



Kansas Board of Pharmacy Staff