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BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of)
Michael W. Washington, for a) Case No. 12-06
Pharmacy Technician Registration.)

SUMMARY ORDER

NOW this 1 day of March, 2012, the above captioned matter comes before the Kansas State Board of Pharmacy (“Board”) on the application of Michael W. Washington (“Respondent”) for a Pharmacy Technician Registration. After considering the foregoing, the Board’s Investigation Member, in accordance with the authority granted to him by the Board, enters the following Summary Order:

FACTS

1. Respondent is a resident of 1301 E Harvey, Wellington, Kansas, 67152.
2. The Board has the authority to grant Respondent a Pharmacy Technician Registration.
3. On December 8, 2011, Respondent applied for a Pharmacy Technician Registration with the Board.
4. Part IV of the application for Pharmacy Technician Registration (“Application”) asks: “Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged?” Respondent responded “YES.”

5. The Kansas Bureau of Investigation did a criminal background search on Respondent and provided the Board with an Abstract of Criminal History, more commonly known as the RAP Sheet.

6. Respondent's RAP Sheet documents that on October 5, 2006, Respondent was convicted in Sumner County Court of Possession of Simulated Controlled Substances or Drug Paraphernalia, a Class A Nonperson Misdemeanor, and Driving Under the Influence of Alcohol or Drugs, a Class B Nonperson Misdemeanor.

7. Respondent's RAP Sheet documents that on August 20, 2011, Respondent was arrested by the Wichita, KS Police Department for Possession of a Simulated Controlled Substance or Drug Paraphernalia, a Class A Nonperson Misdemeanor.

8. On December 30, 2011, the Board sent Respondent a request for a written explanation of these arrests and charges.

9. On January 12, 2012, Respondent provided written explanation of the charges. Respondent explained that he received probation for the August 20, 2011, arrest.

CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent has applied to the Board for a Pharmacy Technician Registration.
2. Respondent's RAP Sheet documents that on October 5, 2006, Respondent was convicted in Sumner County Court of Possession of Simulated Controlled Substances or Drug Paraphernalia, a Class A Nonperson Misdemeanor, and Driving Under the Influence of Alcohol or Drugs, a Class B Nonperson Misdemeanor.

3. Respondent's RAP Sheet documents that on August 20, 2011, Respondent was arrested by the Wichita, KS Police Department for Possession of a Simulated Controlled Substance or Drug Paraphernalia, a Class A Nonperson Misdemeanor.

4. Part IV of the application for Pharmacy Technician Registration asks: "Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged?" Respondent responded "YES."

5. Pursuant to K.S.A. § 65-1663(e)(1), 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.

6. Respondent eventually provided explanation of his arrests and charges, stating that he received probation for the August 20, 2011 arrest.

WHEREFORE, the Board, having considered the facts and law, hereby DENIES Respondent's application for Pharmacy Technician Registration.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is hereby DENIED a Pharmacy Technician Registration pursuant to K.S.A. § 65-1663(e)(1).

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.

2. If a hearing is not requested as described above, the Summary 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 § 77-613. 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.

02-25-2012
Date


David R. Schoech

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of March, 2012, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Michael W. Washington
1301 E Harvey
Wellington, KS 67152


Doug M. Taylor, Compliance Counsel