

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Russell Ashley)
14-106070)
_____)

Case No. 18-447

SUMMARY ORDER OF DENIAL

NOW on this 25 day of October, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Russell Ashley, ("Applicant"), for his application for registration as a Kansas pharmacy technician.

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, 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 May 14, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant answered "No" to the following question on his application: Have you been charged with or 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.

3. Additional application materials indicated Applicant had previously received a diversion for an arrest for driving under the influence of alcohol, transporting an open container, and possession of alcohol by a minor in 2004.

4. On May 31, 2018, the Board sent Applicant a letter requesting he submit a completed Personal History Form S-150.

5. On or about July 2, 2018, the Board received a voicemail from Applicant, asking which documents he needed to provide. The Board responded via email on July 2, 2018, requesting Applicant provide any court documents available and setting a deadline of August 2, 2018 for him to provide the documents.

6. On September 7, 2018, the Board sent Applicant a final letter via email requesting he submit a completed Personal History Form S-150.

7. To date, Applicant has not responded to the Board's final request nor has he provided the Board with any of the requested documentation.

CONCLUSIONS OF LAW

1. That 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)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(tt), unprofessional conduct means conduct likely to deceive or harm the public.

4. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an Applicant who has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

5. Applicant's previous arrest for driving under the influence of alcohol, transporting an open container, and possession of alcohol by a minor is unprofessional conduct and a basis to deny Applicant's Application pursuant to 65-1627(a)(3).

6. Applicant's failure to respond to the Board's request for a completed S-150 Form is a basis to deny Applicant's Application pursuant to 65-1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

7. 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.

8. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician 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

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

10/25/10
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25 day of October, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Russell Ashley
2224 East Taylor Drive
Olathe, KS 66062



Kansas Board of Pharmacy Staff