

September 3, 2021

DANIEL BIGLEY
8405 W CENTRAL AVE, APT 513
WICHITA, KS 67212

RE: Case No. 21-094

Dear Mr. Bigley:

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)
)
Daniel Bigley)
)
Registration No. 24-114257)

Case No. 21-094

SUMMARY ORDER

NOW, on this 3rd day of September 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Daniel Bigley (“Applicant”), for 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 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 March 8, 2021, 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.* The application directs that if the applicant answers “YES”, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. On March 15, 2021, the Board received information regarding January 2016 arrest charges laid against Applicant for felony distribution of a certain hallucinogenic, felony use of a communication facility in the commission of a felony drug violation, felony possession of a hallucinogenic drug, and misdemeanor use/possession with intent to use drug paraphernalia into the human body. The felony possession charge alone appeared to have been prosecuted by the city of Manhattan, Kansas.

4. On March 15, 2021, the Board mailed Applicant a letter requesting a completed Form S-150 on the charges, as well as certified copies of the court pleadings from the case.

5. On April 13, 2021, the Board received from Applicant the requested Form S-150 which was accompanied by a letter from the Riley County Attorney's Office, stating they had declined to prosecute Applicant's 2016 case and so no action had been taken.

6. On April 13, 2021, the Board mailed Applicant a letter requesting certified copies of court pleadings, or any diversion agreement, from the city of Manhattan as relevant to the same 2016 charges.

7. On May 6, 2021, the Board received the requested Manhattan records, as well as an additional statement from Applicant. Applicant stated having given an answer of "NO" on his application because he believed that with his diversion completed, the charges would not come up. Applicant's court documents and Form S-150 detailed that due to his possession of marijuana, Applicant was placed on 12-month diversion, which he completed in February of 2017. Applicant's diversion required 20 hours of community service, payment of costs and fines, random urinalyses, completion of a drug and alcohol evaluation program, and a 1500-word essay on the collateral affects of smoking marijuana.

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)(1), the Board may place in a probationary status the license of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to deceive or harm the public.

5. Applicant answered “no” to the criminal offense questions on his application despite the fact he had been charged with criminal offenses and completed a diversion agreement.

6. Applicant’s failure to disclose his criminal charges on his application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to place in a probationary status any registration granted to Applicant, per K.S.A. 65-1627(a)(1).

7. Applicant’s possession incident, both through its relation to illicit drugs and in the recentness of its nature, is unprofessional conduct and a basis to place in a probationary status any registration granted to Applicant, per K.S.A. 65-1627(a)(3). To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for pharmacy technician registration is hereby GRANTED, SUBJECT TO A 2-YEAR PROBATIONARY STATUS. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in his court status within 10 days of the change;
- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of his pharmacy technician registration;
- Applicant must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of his probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

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.

9/2/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of September 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:

DANIEL BIGLEY
8405 W CENTRAL AVE, APT 513
WICHITA, KS 67212



Kansas Board of Pharmacy Staff