

Filed

OCT 25 2018

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
CLIFFORD BRILEY )  
 Pharmacy Technician )  
 Registration No. 14-07893 )

Case No. 18-437

**SUMMARY ORDER OF REVOCATION**

NOW on this 25 day of October, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Clifford Briley, Pharmacy Technician ("Respondent").

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 Revocation in the above-captioned matter. After reviewing the investigation 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. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-07893 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about April 30, 2018, the Board received information that Respondent was arrested on April 21, 2018 for "use/possession w/ intent to use drug paraphernalia into human body."

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

4. On June 20, 2018, the Board sent Respondent a second letter requesting he submit a completed Personal History Form S-150.

5. On July 2, 2018, the June 20, 2018 letter was returned to sender as not deliverable as addressed. Therefore, on July 2, 2018, the Board sent the second letter to respondent via email.

6. On August 2, 2018, the Board sent Respondent a final letter via email requesting he submit a completed Personal History Form S-150.

7. On or about August 8, 2018, the Board received information that Respondent was arrested on August 2, 2018 for contempt of court, failure to appear, and a non-verifiable offense.

8. The Board has yet to receive a response from Respondent regarding his pending criminal history.

#### CONCLUSIONS OF LAW

9. 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.

10. That pursuant to K.S.A. 65-1627(a)(3), the Board may take action against the license of a pharmacist who has been found by the board to be guilty of unprofessional conduct.

11. That pursuant to K.S.A. 65-1626, unprofessional conduct means conduct likely to deceive or harm the public.

12. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist “has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

13. Respondent’s arrests for possession of drug paraphernalia, contempt of court, failure to appear, and a non-verifiable offense are unprofessional conduct and a basis to revoke Respondent’s Registration pursuant to K.S.A. 65-1627(3).

14. Respondent’s failure to supply the Board with the requested documentation regarding his updated criminal history is a violation of K.S.A. 65-1627(a)(15).

15. Respondent’s recent disregard for the law is a danger to the public in the pharmacy setting and is basis to revoke Respondent’s Registration.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent’s Registration is hereby REVOKED.

NOTICES

The Respondent is hereby notified as follows:

16. The Respondent 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.

17. If a hearing is not requested as described above, the Order revoking the Respondent'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.


18. 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.

19. 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.

10/25/18  
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 Revocation, properly addressed to the following:

Clifford Briley  
202 N Rock Rd, #901  
Wichita, KS 67206

and the original hand delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612



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Kansas Board of Pharmacy Staff