

November 1, 2023

Alexander Brown
626 S 19th St, #7
Omaha NE 68102

RE: Case No. 23-405

Dear Mr. Brown:

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)
)
Alexander Brown)
)
License No. 1-121550)

Case No. 23-405

SUMMARY ORDER

NOW, on this 1st day of November, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Alexander Brown, (“Applicant”), for application as a pharmacist licensed in the state of Kansas.

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 September 14, 2023, the Board received Applicant’s application for a pharmacist license in the State of Kansas (“Applicant’s Application”).

2. Applicant answered “yes” to the following question of 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. In conjunction with Applicant's Application, Applicant provided an S-150 and supporting court documents which indicated Applicant was found guilty of a minor in possession offense in 2012 after providing a ride to a friend and being pulled over for speeding. In 2022, Applicant was arrested for misdemeanor driving while intoxicated offense, for which he later served two days of shock time in jail and is completing a two-year suspended imposition of sentence. Applicant indicated he felt this incident was likely a coping mechanism he was using to reduce stress from working as a pharmacist during the pandemic.

4. On September 11, 2023, the Board's investigator conducted a phone interview with Applicant, during which he indicated he was in the process of completing a two-year suspended imposition of sentence for a 2022 driving while intoxicated offense. He was required to attend SATOP, complete 40 hours of community service, and abstain from consumption of alcohol and other substances. Applicant reported he had a blood alcohol level of 0.38 when he was arrested.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. 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.

3. Pursuant to K.S.A. 65-1626(vv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

4. Pursuant to K.S.A. 65-1627(a)(4), the Board may place in a probationary status the license of any pharmacist who the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy.

5. Applicant's DWI, while isolated, was significant in terms of Applicant's blood alcohol level as well as the recency of the offense. In addition, Applicant's admission that this offense was likely the result of coping with additional stress, the Board considers this unprofessional conduct likely to harm the public and a basis to grant Applicant's Application but on a probationary status pursuant to K.S.A. 65-1627(a)(3). Furthermore, since Applicant has not yet fully complied with the terms of his suspended imposition of sentence and completed his court-mandated requirements, Applicant has not yet been able to demonstrate rehabilitation from this offense.

6. Due to the severity of Applicant's DWI arrest and blood alcohol level, Applicant may be unfit to practice the profession of pharmacy without additional support and/or more appropriate coping mechanisms for his stress, which is a basis to grant Applicant's Application but on a probationary status pursuant to K.S.A. 65-1627(a)(4).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby GRANTED pending passage of the Kansas MPJE and Applicant's pharmacist license shall be subject to a 5-year probationary status. The terms of Applicant's probation are as follows:

- Applicant shall immediately enter into a Statement of Understanding agreement with the Kansas Pharmacists Association ("KPhA") and the Committee on Impaired Pharmacy Practice ("CIPP") which operates the

Kansas Pharmacist Recovery Network (“KsPRN”) for a period of no less than five years;

- Applicant shall fully cooperate with the recommendations and requirements of the persons managing and implementing the evaluation and treatment program recommended and requested by the KsPRN Agreement and the further requirements of the Board;
- Applicant shall, at all times, be in full compliance with the requirements of the KsPRN Agreement and other requirements placed upon Applicant by the KsPRN including, but not limited to, full and continued compliance with the requirement to cooperate with requests for drug screens and any recommended therapy as provided in the KsPRN Agreement;
- Applicant shall authorize KsPRN and any provider of evaluation or treatment programs Applicant engages in to provide full and complete documentation and information regarding Applicant’s involvement in the programs, including evaluations and treatment, including, but not limited to, records and medical reports;
- Applicant shall not be allowed to be a PIC or preceptor until or unless recommended by the CIPP and approved by the Board;
- Applicant shall obtain the signature of Applicant’s PIC documenting acknowledgement to the Board of the probationary status of the license;
- Applicant shall notify the Board of any change in pharmacy employment within 10 days of the change, including discontinuation of a position;

- Applicant shall notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant shall continue compliance with the terms of their suspended imposition of sentence and notify the Board of any change in their court status within 10 days of the change; and
- Applicant shall comply fully with the Pharmacy Act of the state of Kansas, the Board's rules and regulations, and all state and federal laws relating to Kansas pharmacies.

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.

10/31/2023
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1st day of November, 2023, 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:

Alexander Brown
636 S 19th St, #7
Omaha NE 68102



Kansas Board of Pharmacy Staff