BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
Robert Cain)	Case No. 17-012
)	

SUMMARY ORDER OF DENIAL

NOW on this the day of April, 2017 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Robert Cain, ("Applicant"), for application for a Kansas pharmacy technician application.

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 Investigative Member makes the following findings of fact:

- 1. On January 10, 2017, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
- 2. As part of Applicant's Application he answered "No" to the question: "Have you ever been 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

In the Matter of Robert Cain, No. 17-012 SUMMARY ORDER OF DENIAL Page 1 of 5 misdemeanors." The application form directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History.

- 3. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about August 1, 1981, Applicant was arrested for felony stealing. Applicant later plead guilty to misdemeanor stealing with one year of probation.
- 4. On January 20, 2017 the Board sent a letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant's criminal history or offenses.
- 5. On or about March 15, 2017, the Board received Applicant's S-150 Personal History Form, which contained court documents referring to the 1981 stealing conviction. No other supporting documents were included. Applicant did not provide any explanation pertaining to his DUI charge, or any testimony about the events leading up to the arrest. Applicant also failed to discuss any rehabilitation efforts he has made since the arrests.
- 6. To date, Applicant has not provided the Board any further explanation pertaining to his DUI arrest or stealing conviction. Applicant has also provided no testimony or documentation of rehabilitative efforts following the arrests.

CONCLUSIONS OF LAW

- 7. 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.
- 8. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee fails to show sufficient rehabilitation to warrant the public trust.

In the Matter of Robert Cain, No. 17-012 SUMMARY ORDER OF DENIAL Page 2 of 5 That pursuant to 65-1627(a)(3), the Board may deny licensure to an applicant if

the licensee is found by the board to be guilty of unprofessional conduct.

That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct is defined as 10.

conduct likely to deceive, defraud or harm the public.

Applicant's various felony and misdemeanor arrests and lack of explanation or 11.

evidence of rehabilitation, is a basis to deny Applicant's Application for failure to comply with

K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's

Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

Applicant may request a hearing pursuant to the Kansas Administrative 12.

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.

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.

Within fifteen (15) days after entry of a final agency order, either party may file 14.

a petition for reconsideration pursuant to K.S.A. 77-529.

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Within the time limits established in K.S.A. 77-613, either party may seek 15. 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.

HILLIA Date

Alexandra Blasi, JD, MBA

Executive Secretary

Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the _____ day of April, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Robert Cain 8810 Cambridge Ave, Apt 903 Kansas City, MO 64138

Kansas Board of Pharmacy Staff