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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

May 4, 2020

MICHAEL COUNTS
3732 SW PLAZA DR, #206
TOPEKA KS 66609

RE: *In the Matter of Michael Counts*
Case No. 20-049

Dear Mr. Counts:

The Kansas State Board of Pharmacy has updated its audit of continuing education for your recent renewal and determined that you are compliant. Please read the enclosed Amended Summary Order in its entirety, which includes assessment of a fine. This order replaces the Summary Order previously issued by the Board in this matter. This discipline will be reported to the National Association of Boards of Pharmacy.

If you dispute the facts or legal basis for the action and wish to request a hearing regarding this matter, please reference the section titled "Notices" in the Order and promptly take action. Please be aware that if you request a hearing and the Board prevails, you will be required to pay the costs of the hearing.

If you have questions, please email pharmacy.compliance@ks.gov and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Amended Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
the Renewal Application of)	
)	Case No. 20-049
Michael Counts)	
Registration No.14-100646)	
_____)	

AMENDED SUMMARY ORDER

NOW on May 4, 2020, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Michael Counts (hereinafter referred to as "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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Amended Summary Order in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or around October 31, 2019, Respondent submitted a renewal application for Respondent's Kansas pharmacy technician registration.
2. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours.
3. Respondent's NABP CPE Monitor showed completion of 0 hours of continuing education to renew Respondent's pharmacy technician registration.
4. On or about February 5, 2020, the Board sent Respondent an email requesting proof of Respondent's continuing education hours earned for the renewal period ending October 31, 2019 by a specified date.

5. On or about April 6, 2020, the Board sent a second request to Respondent's email address of record for this information.

6. On or about April 22, 2020, the Board sent a final request to Respondent's email address of record for this information no later than April 27, 2020.

7. On April 29, 2020, the Board issued Respondent a Summary Order revoking Respondent's pharmacy technician registration for failure to respond to the Board's requests.

8. On May 4, 2020, Respondent provided proof of 20 hours of continuing education to renew Respondent's pharmacy technician registration.

CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 65-1663(f)(1), 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. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

11. Pursuant to K.A.R. 68-5-18, 20 hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period, which must be obtained in the two-year registration period ending on the October 31 expiration date of each registration.

12. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent has failed to furnish to the Board, its investigators or its representatives any information legally requested by the Board.

13. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the

Pharmacy Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

14. Respondent was required to provide proof of completion of 20 hours of continuing education earned between November 1, 2017 and October 31, 2019.

15. Respondent's failure to supply the Board with the requested documentation regarding proof of continuing education by the requested deadline is a violation of K.S.A. 65-1627(a)(15).

16. By providing proof of completion of 20 hours of continuing education after the issuance of the Summary Order, Respondent successfully completed the required 20 hours of continuing education for renewal of Respondent's pharmacy technician registration.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board orders the following:

For Respondent's violation of K.S.A. 65-1627(a)(15), a fine is assessed in the amount of \$100. **Therefore, Respondent shall submit a check or money order in the amount of \$100 to the Board by July 1, 2020.**

NOTICES

Respondent is hereby notified as follows:

1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

2. If a hearing is not requested as described above, the Amended Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

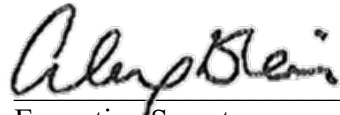
3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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 K.S.A. 77-613. 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.

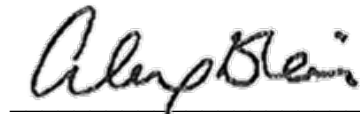
May 4, 2020
Date


Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on May 4, 2020, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

MICHAEL COUNTS
3732 SW PLAZA DR, #206
TOPEKA KS 66609


Kansas Board of Pharmacy Staff