

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
Justin Coy )  
14-104062 )  
\_\_\_\_\_ )

Case No. 17-194

**SUMMARY ORDER OF DENIAL**

NOW on this 21 day of December, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Justin Coy, ("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 Executive Secretary makes the following findings of fact:

1. On September 11, 2017, the Board received Applicant's application for licensure as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application he answered "Yes" to the question: "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.”

3. Applicant included an S-150 Personal History Form and disclosed prior felony charges from 2009 for manufacturing and possession of methamphetamine. Applicant explained that he pled guilty to a lesser charge and entered a drug treatment program ordered by the court. Applicant further disclosed that he successfully completed the program and has avoided further infractions.

4. Applicant provided court documents to the Board verifying the status of the 2009 felony charges and resulting plea agreement.

5. A background report received by the Board from the Kansas Bureau of Investigation (“KBI”), indicated that Applicant was charged in 2009 with felony possession and manufacture of methamphetamine. The report further indicated that the felony charges were dropped in exchange for a guilty plea and successful completion of a drug treatment program.

#### CONCLUSIONS OF LAW

6. 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.

7. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a licensee who has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

8. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

9. Pursuant to K.S.A. 65-1626(sss), unprofessional conduct means conduct likely to deceive or harm the public.

10. Applicant disclosed efforts at rehabilitation, but these explanations are ultimately insufficient considering the gravity and recent nature of the offenses, coupled with the fact that Applicant would have unsupervised access to money and controlled substances.

11. Applicant's felony charges for manufacture of controlled substances, and lack of sufficient 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:

12. 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.

13. 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.

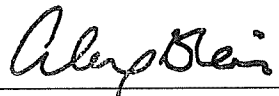
14. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

15. 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.

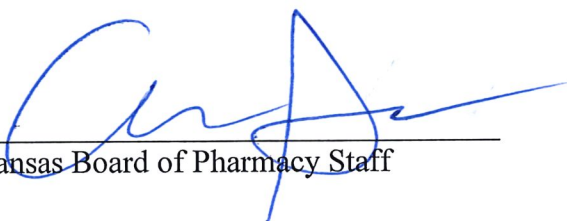
12/21/17  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Justin Coy  
725 S Porter Ave  
Joplin, MO 64801

  
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Kansas Board of Pharmacy Staff