

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
TY GIBBONS)
 Pharmacy Technician)
Registration No. 14-103607)

Case No. 18-786

SUMMARY ORDER

NOW on this 6 day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Ty Gibbons, 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 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 issued Respondent Pharmacy Technician Registration Number 14-103607 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about December 7, 2018, the Board received information that Respondent had been arrested on June 25, 2018 for possession of a controlled substance.

3. On December 13, 2018, the Board mailed Respondent a letter requesting he submit a completed Personal History form explaining the offense, as well as certified court documents from the offense.

4. On or about January 24, 2019, the Board received the requested Personal History Form S-150 and the court documents. The documents indicated Respondent had entered into a six-month diversion agreement for the charges. Additionally, Respondent included documentation that he had completed an alcohol safety class, as well as proof of a negative drug test.

CONCLUSIONS OF LAW

5. 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.

6. That pursuant to K.S.A. 65-1627(a)(3), the Board may limit the license of a pharmacist upon a finding that the licensee if found by the Board to be guilty of unprofessional conduct.

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

8. Pursuant to K.S.A. 65-1627(a)(5), the Board may limit the license of a pharmacist upon a finding that the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

9. Respondent's arrest for possession of a controlled substance is unprofessional conduct a basis to discipline Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

10. Respondent's arrest for possession of a controlled substance is a violation of the uniform controlled substances act of the state of Kansas and a basis to discipline Respondent's Registration pursuant to K.S.A. 65-1627(a)(5).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on PROBATION for a period of two-years subject to the following terms:

- Respondent must report any changes in his employment within ten days of the change;
- Respondent must comply with all of the terms of his criminal diversion agreement;
- Respondent must report any change in his criminal status within ten days of the change;
- Respondent must provide a signed written statement from his pharmacist-in-charge (PIC) acknowledging Respondent's probationary status; and
- Respondent must comply with all provisions of Pharmacy Practice Act.

NOTICES

The Respondent is hereby notified as follows:

11. 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.

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12. 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.


13. 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.

14. 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.

2/6/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of February, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Ty Gibbons
11709 Winchester Avenue
Kansas City, MO 64134

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff