

April 27, 2021

CHAD GRAY
4912 PARKWAY DR
LEAVENWORTH, KS 66048

RE: Case No. 20-294

Dear Mr. Gray:

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)
)
Chad Gray)
)
Applicant)

Case No. 20-294

SUMMARY ORDER OF DENIAL

NOW, on this 27th day of April 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Chad Gray (“Applicant”), for application for the reinstatement of his Kansas pharmacy technician registration (“Applicant’s 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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. Applicant was previously granted pharmacy technician registration number 14-101568 to practice as a pharmacy technician in the State of Kansas (“Applicant’s registration”).
2. On April 30, 2019, the Board issued to Applicant a Summary Order of Discipline against his registration (“the disciplinary order”) in case 19-180, for his failure to comply with the continuing education requirements mandated for the biennial renewal of his registration. The disciplinary order, which became final on May 20, 2019, imposed both a monetary fine and additional hours of continuing education (due within 30 and 60 days of the order’s finality, respectively).

3. In May of 2019, Applicant emailed the Board on multiple occasions to indicate that he had no intention of complying with the disciplinary order, nor any obligation to do so, and that the Board's pursuit of any adverse action reflected poorly on the Board. The Board responded to Applicant with clarification of: its legal duty to provide him notice of adverse action; to continue correspondence regarding compliance around this legal order; and that his lack of compliance with a legal order by the Board would result in the revocation of his registration.

4. On September 19, 2019, as Applicant had not complied with any of the requirements laid out in the disciplinary order, he was issued a Summary Order of Revocation ("the revocation order") in case 19-180, which became final and effective in revoking his registration on October 7, 2019.

5. On October 8, 2020, the Board received Applicant's application, requesting the reinstatement of his revoked registration.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(f)(1), the Board may deny an application for issuance 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.

2. Pursuant to K.S.A. 65-1627(a)(16), the Board may deny an application of any license of any pharmacist upon a finding that such applicant has failed to comply with a lawful order or directive of the Board.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any license of any pharmacist upon a finding that such applicant is guilty of unprofessional conduct.

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

5. Applicant's failure to comply with the original disciplinary order, which was itself based upon his failure to comply with continuing education requirements of the Board, resulted in Applicant's revocation and is basis to deny Applicant's application pursuant to K.S.A. 65-1627(a)(16).

6. Applicant's history of non-compliance with past Board directives, as well as his demonstrated lack of deference for the rules and requirements of the profession (including but not limited to continuing education and the role of the Board) are deemed unprofessional conduct and as such, are bases to deny Applicant's application pursuant to 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

The Applicant is hereby notified as follows:

1. The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

4/27/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of April 2021, 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:

CHAD GRAY
4912 PARKWAY DR
LEAVENWORTH, KS 66048



Kansas Board of Pharmacy Staff