

January 8, 2024

Stephen Gray
724 X St
Atchison KS 66002

RE: Case No. 23-476

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. In addition, a civil fine has been assessed totaling \$200. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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)
)
Stephen Gray)
)
Registration No. 24-121636)

Case No. 23-476

SUMMARY ORDER

NOW, on this 8th day of January, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Stephen Gray, (“Applicant”), for application for registration as a Kansas pharmacy technician.

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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On September 27, 2023, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” to the following question on her application: “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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In conjunction with Applicant's Application, the Board received an S-150 which indicated Applicant had a 2011 misdemeanor possession charge for which he completed one year of probation, and a 2011 misdemeanor battery charge for which he completed 48 hours jail time and anger management classes. Applicant provided no court documents.

4. The Board received information regarding a July 2006 sale/offer depressants/hallucin/stimulants/anabolic steroids offense; use or possess drug paraphernalia to introduce in human body offense, an August 2011 domestic battery offense, and an October 2019 possession of marijuana offense against Applicant.

5. On October 3, 2023, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

6. On or about October 18, 2023 and December 14, 2023, the Board received the requested documentation, which indicated the following:

- a. In August 2006, Applicant was found guilty of misdemeanor possession of marijuana and drug paraphernalia, for which he was sentenced to jail time and fines, but the jail time was suspended and he was placed on one year of supervised probation.
- b. In November 2011, Applicant was found guilty of misdemeanor domestic battery, for which Applicant was re-sentenced in December 2012.
- c. In November 2019, Applicant was charged with and sentenced for possession of marijuana.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may take action against the license of any pharmacist upon a finding that the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

6. Though Applicant answered “yes” to the disciplinary question(s) on Applicant’s Application, Applicant failed to disclose the 2006 and 2019 offenses, which was a misrepresentation of material fact on an application and a basis to take action against Applicant’s Application as a violation of K.S.A. 65-1627(a)(1).

7. Applicant’s history of drug offenses related to illegal possession of marijuana are unprofessional conduct, especially concerning in a pharmacy setting where Applicant would

have access to controlled medications, and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED subject to a 2-YEAR probationary status and payment of a fine to the Board in the amount of \$200. Applicant has 30 days from the date of this order to pay the fine and the probationary pharmacy technician registration shall be issued upon receipt. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change;
- Applicant must respond to the Board's regular check-in requests;
- Applicant must inform employers of the probationary status of their pharmacy technician registration;
- Applicant must obtain the signature of their pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

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

IT IS SO ORDERED.

1/8/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of January, 2024, 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:

Stephen Gray
724 X St
Atchison KS 66002



Kansas Board of Pharmacy Staff