

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
NOV 14 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Terrell Hamp)
_____)

Case No. 16-085

SUMMARY ORDER OF DENIAL

NOW on this 14th day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Terrell Hamp (the "Applicant") 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 Investigation Member 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 Investigative Member makes the following findings of fact:

1. On or about April 30, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas.
2. As part of Applicant's Application he answered "Yes" to the question: "Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?" The application form directs that if the applicant

answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. Applicant disclosed in his written application statement that he had the following previous charges “1 robbery, 1 drug, 8 driving on suspended, 6 driving with no insurance, 1 assault, 1 domestic violence, 3 trespassing, 1 fleeing the scene.”

4. The background report provided to the Board by the Kansas Bureau of Investigation (“KBI”) indicated that on or about April 21, 2008, Applicant was arrested for felony 1st degree robbery. The charge was ultimately dismissed by the state.

5. The background report provided to the Board by KBI indicated that on or about April 17, 2010, Applicant was arrested for felony 2nd degree robbery. No sentencing information was available in the report.

6. The background report provided to the Board by KBI indicated that on or about July 1, 2016, Applicant was arrested for a misdemeanor possession of marijuana charge. No sentencing information was available in the report.

7. While Applicant did disclose some of his criminal charges, he failed to report his entire offense history to the Board.

8. As part of Applicant’s Application, he certified that the information provided was true, correct and complete and that he understood that withholding relevant information was grounds for denying his application.

9. On May 18 and June 23, 2016, a representative of the Board wrote Applicant, indicating the results of Applicant’s criminal history report and requesting Applicant provide additional court documentation concerning his robbery and marijuana possession charges on or

before June 20th and July 24th respectively. To date, Applicant has not provided the Board with the requested documentation.

CONCLUSIONS OF LAW

10. 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.

11. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

12. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

13. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

14. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist “has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

15. Applicant’s failure to disclose their offense history is an attempt to obtain a registration by fraud and is a basis to deny Applicant’s Application.

16. Applicant’s failure to respond to the Board’s request for documentation regarding Applicant’s criminal offense history is a basis to deny Applicant’s Application.

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:

17. 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.

18. 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.

19. 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.

20. 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.

11/10/16

Date

Alexandra Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Terrell Hamp
2937 Lockridge Ave
Kansas City, Missouri 64128



Kansas Board of Pharmacy Staff