

March 1, 2024

Kyler Hansen
23516 W 73rd Terr
Shawnee KS 66227

RE: Case No. 24-026

Dear Kyler Hansen:

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)
)
Kyler Hansen)
)
Applicant)

Case No. 24-026

SUMMARY ORDER OF DENIAL

NOW on this 1st day of March, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Kyler Hansen (“Applicant”), for application for a Kansas pharmacy technician registration.

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 investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 28, 2023, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of the application, Applicant answered “Yes” to the question: “Have you ever been 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.

3. In conjunction with Applicant's Application, Applicant provided a blank but signed S-150 and a court summary document disclosing a December 2022 misdemeanor assault 3rd degree charge of which Applicant was found guilty and sentenced to jail time, a fine, and court costs.

4. On August 29, 2023, the Board received an email from Respondent indicating that the offense resulted from a family disagreement and that he had "never had a situation prior happen or since happen."

5. In addition to the above offenses, the Board received information regarding a January 2012 Possess Drug/ Paraphernalia offense, and an October 2019 Battery/bodily harm offense against Applicant.

6. On August 30, 2023, the Board sent a letter to Applicant's address of record requesting a completed Personal History Form S-150 for all offenses, as well as certified copies of the court pleadings from each case.

7. On September 14, 2023, the Board sent an email to Applicant's address of record requesting this information.

8. On September 29, 2023, the Board received an email from Applicant requesting a status update regarding Applicant's Application.

9. On October 2, 2023, the Board sent an email informing Applicant that the Board was still waiting for the aforementioned requested documents. Applicant replied that those had all been previously submitted.

10. On October 3, 2023, the Board sent an email response to Applicant indicating the Board had not received the requested documentation and requesting Applicant resubmit.

11. On October 4, 2023, the Board received another email from Applicant indicating that he could mail all requested documents and including two attachments. One attachment

included a phone screenshot of the 2012 misdemeanor drug paraphernalia offense; a phone screenshot statement suggesting the 2019 offense was dismissed, indicating Applicant was unable to go to Chicago to retrieve court documents, and apologizing for failing to disclose the 2012 offense for marijuana possession; and some notes regarding remaining outstanding paperwork. The other attachment was a Certified Statement of Conviction/Disposition for Applicant's 2019 two-count battery charge, indicating both charges resulted in a disposition of "stricken off – leave reinstate." However, an original, certified court document was not provided.

12. On November 30, 2023, the Board mailed and emailed a Final Notice to Applicant's address of record requesting certified court documents from each case and a complete narrative describing the 2019 and 2022 offenses.

13. On December 6, 2023, the Board received a letter of recommendation from Applicant's Kansas pharmacy store manager for Applicant's work as a cashier. The letter states: "I was hoping I could provide recommendation for his approval as I believe he would be able to perform the duties of a pharmacy technician safely and effectively, but I understand there may be other information I am not aware of that could be of concern."

14. On December 5, 2023, the Board received an email from Applicant indicating Applicant was unable to obtain other copies of court documents without paying for them. Applicant provided no additional documents.

15. On December 14, 2023, the Board received a letter of recommendation from Applicant's Iowa pharmacy store manager regarding Applicant's work as a pharmacy technician in Iowa.

16. On February 5, 2024, the Board mailed a Final Notice to Applicant's address of record requesting the aforementioned information and documents.

17. To date, the Board has not received a completed S-150 Personal History form from Applicant, any certified court documents, or any further correspondence.

CONCLUSIONS OF LAW

1. 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.

2. 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.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

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

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

6. Applicant failed to disclose his 2012 and 2019 criminal charges on Applicant's Application. Additionally, Applicant's email seems to suggest that Applicant had no previous offenses, even though he was previously arrested and charged with criminal offenses in 2012 and 2019. Therefore, Applicant's Application included several misrepresentations of material fact and that is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's 2012 possession and drug paraphernalia charges, 2019 battery charges, and 2022 misdemeanor 3rd degree assault conviction are unprofessional conduct likely to harm the public in the pharmacy setting and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). Furthermore, Applicant has demonstrated a pattern of conduct resulting in criminal charges on three separate occasions over the past 12 years with Applicant's most recent offense less than two years old. Applicant also failed to provide any documentation of completion of any court-imposed sentence from Applicant's 2022 offense.

8. Applicant's failure to supply the Board with the requested documentation, specifically the completed narrative regarding each offense (S-150) and certified court documents, is a violation of K.S.A. 65-1627(a)(15) and 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

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.

3/1/2024

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1st day of March, 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:

Kyler Hansen
23516 W 73rd Terr
Shawnee KS 66227



Kansas Board of Pharmacy Staff