

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Andrew Holt )  
3-18935 )  
\_\_\_\_\_ )

Case No. 17-130

**SUMMARY ORDER OF DENIAL**

NOW on this 7 day of September, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Andrew Holt, ("Applicant"), for application for a Kansas pharmacy technician 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, 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. On July 3, 2017, the Board received Applicant's application Form LA-01 for registration as a pharmacy by exam in the State of Kansas ("Applicant's Application").
2. Applicant is currently licensed as a pharmacist intern in the State of Missouri, License No. 2014007091.
3. Applicant is currently licensed as a pharmacist intern in the State of Kansas, License No. 3-18935 since April 27, 2016.

4. As part of Applicant's Application he answered "Yes" to the question: "Are there any pending or unresolved complaints or investigations against you by any licensing authority or professional or occupational association?"

5. Applicant submitted with his Application a completed Form S-150 Personal History, detailing an incident from Missouri in June 2017, in which Applicant admits to diverting controlled substances for pain treatment for personal use.

6. Applicant explained in his Form S-150 that he had been suffering from chronic pain stemming from a sports injury and was intentionally diverting prescription controlled substances to treat that pain.

7. Applicant explained in his Form S-150 that there were several instances of diversion: in November 2016 and consistently from March 2017 through May 2017.

8. Applicant admits to diverting the following substances:

- a. Tylenol #3
- b. Soma
- c. Tramadol
- d. Tramadol ER

9. Applicant was terminated from his pharmacist intern position for diversion on June 8, 2017.

10. Applicant further explains in his S-150 feelings of depression stemming from a failure to treat the symptoms of chronic pain.

11. To-date, Applicant has not been placed under investigation by the Missouri Board of Pharmacy.

## CONCLUSIONS OF LAW

12. 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.

13. That pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to a licensee who has been found to be guilty of unprofessional conduct or professional incompetency.

14. That pursuant to K.S.A. 65-1626(sss)(5), unprofessional conduct means unlawful possession of drugs.

15. That pursuant to K.S.A. 65-1626(sss)(7), unprofessional conduct means conduct likely to deceive or harm the public.

16. That pursuant to K.S.A. 65-1627(a)(8), the Board may deny the granting of a license to a licensee who has found by the Board to have violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.

17. That pursuant to K.S.A. 65-1627(a)(13), the Board may deny the granting of a license to a licensee who has found by the Board to have self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order.

18. Applicant's repeated diversion and self-administration of a controlled substance for pain treatment is evidence of unprofessional conduct and these matter are a reason to deny Applicant's Application under K.S.A. 65-1627(a)(3) and K.S.A. 65-1627(a)(13).

19. Applicant's conduct in diverting prescription medication for pain treatment and self-medication poses a danger to the public in a pharmacist setting and is a basis to deny Applicant's Application under K.S.A. 65-1626(sss)(7).

20. Applicant's diversion of controlled substances is a violation of the Pharmacy Act of the State of Kansas and is grounds to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(8).

### 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:

21. 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.

22. 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.

23. 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.

24. 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.

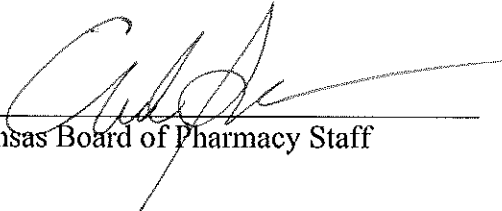
9/7/16  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7 day of September, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Andrew Holt  
1323 NE Depot Dr  
Lee's Summit, MO 64086

  
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Kansas Board of Pharmacy Staff