

August 5, 2022

Michael Jahn
11845 S. Fellows St. Ste 2210
Olathe, KS 66061

RE: Case No. 22-194

Dear Mr. Jahn:

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)
)
Michael Jahn)
)
Applicant)

Case No. 22-194

SUMMARY ORDER OF DENIAL

NOW, on this 5th day of August, 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Michael Jahn (“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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On May 5, 2022, 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 questions on Applicant’s Application:
 - a. Has there been a denial of initial or renewal application, revocation, suspension, voluntary surrender, or any other disciplinary action taken by the State of Kansas or any other jurisdiction against any professional or occupational license or registration held by you?

- b. Are there any pending or unresolved complaints or investigations against you by any licensing authority or professional or occupational association?
3. The Board received information regarding In re Jahn, 509 P.3d 552 (Kan. 2022), which is incorporated by reference and indicates Applicant's Kansas attorney registration was disciplined by the Kansas Supreme Court for misrepresenting information, having an undisclosed and unresolved conflict of interest, making false statements, and other violations of the rules of ethical and professional conduct. The Kansas Supreme Court noted aggravating factors for Applicant including previous discipline and multiple offenses, and mitigating factors for Applicant including personal and emotional issues, cooperation in the disciplinary investigation and proceedings, and remorse for his actions.

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)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.
3. Pursuant to K.S.A. 65-1626(vv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.
4. Applicant's Kansas attorney registration was disciplined by the Kansas Supreme Court in In re Jahn, 509 P.3d 552 (Kan. 2022), which is incorporated by reference.

5. Even though Applicant's conduct occurred in the context of the practice of law, Applicant's generalized actions and behavior could result in imminent dangers and harm to the public, including patients, if occurring in the pharmacy setting.

6. Applicant's violations of Kan. R. Prof. Conduct 1.2(a), 1.2(e), 1.7(a)(2), 4.1(a), 4.2, 8.4(a), 8.4(c), 8.4(d), and 8.5, where the applicant, as an attorney, used a letterhead with an incorrect physical address for the attorney's office and sent an email to the opposing party, containing a modified settlement agreement, and which implied the attached settlement was the product of consultations with the opposing party's counsel, resulting in a six month suspension of the practice of law, with the suspension being stayed after three months provided the attorney entered an approved one-year probation plan, are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). In re Jahn, Case Summary.

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:

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.

8/5/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of August, 2022, 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:

Michael Jahn
11845 S. Fellows St. Ste 2210
Olathe, KS 66061



Kansas Board of Pharmacy Staff