

**BEFORE THE KANSAS BOARD OF PHARMACY**

Filed By  
MAR 04 2016  
KANSAS STATE  
BOARD OF PHARMACY

In the Matter of

KYLE B. JONES  
Kansas Registration No. 3-06291

Case No. 15-026  
OAH No. 15BP0023

**FINAL AGENCY ORDER**

This matter comes before the Kansas Board of Pharmacy (Board) upon the Petition to Revoke, Suspend or Otherwise Limit Licensure regarding the pharmacy intern registration of Kyle B. Jones.

Findings of Fact

Mr. Jones was issued a pharmacy intern registration (registration) by the Board on September 13, 2010, which entitled him to practice as a pharmacy intern in the state of Kansas.

Mr. Jones was employed by Walgreens as a pharmacy intern.

Mr. Jones was a student at the Kansas University School of Pharmacy.

On July 23, 2014, the Board received Mr. Jones's application for licensure as a pharmacist in the state of Kansas.

On or about March 3, 2015, the Board was notified that Mr. Jones was found to have diverted drugs belonging to his employer for his own use.

On May 12, 2015, the Board issued an Emergency Agency Order suspending his registration. Mr. Jones did not appeal the Emergency Agency Order.

On May 22, 2015, the Board issued a Petition to Revoke, Suspend or Otherwise Limit Licensure (Petition) with regard to Mr. Jones's registration.

A notice was served on Mr. Jones setting an administrative hearing on the Petition on July 16, 2015.

On May 28, 2015, the Board issued a Summary Order of Denial (Summary Order) with regard to Mr. Jones's application for licensure as a pharmacist in the state of Kansas. Mr. Jones was advised that if he wanted to address the matters set forth in the Summary Order, he would need to timely request a hearing. Mr. Jones did not timely request a hearing with regard to the Summary Order; therefore, the Summary Order denying Ms. Jones's application for a license to practice pharmacy in the state of Kansas became the Final Order of the Board.

A prehearing conference was scheduled for June 8, 2015. Mr. Jones did not appear at the prehearing conference notwithstanding notice was sent and not returned as undeliverable.

In early July, the Board was in contact with Mr. Jones. The Board issued a notice rescheduling the hearing for November 5, 2015. The Board also sent a letter to Mr. Jones wherein he was advised that once the Board was able to review documentation to confirm that he was in compliance with the Kansas Pharmacists' Recovery Network (KsPRN) program requirements, the Board would determine if it would enter into a stipulation agreement with him by which he would be allowed to take the NAPLEx. The Board did not receive any documentation from Mr. Jones.

On November 5, 2015, Mr. Jones did not appear for the hearing. Therefore, Mr. Jones was in default.

On February 5, 2016, the Board found that Mr. Jones's registration to practice as a pharmacy intern in the state of Kansas should be revoked.

**Conclusions of Law**  
**and**  
**Discussion**

K.S.A. 65-1676(d)(1) provides that the Board "may limit, suspend, or revoke a registration . . . as a pharmacist intern on any ground that would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto."

K.S.A. 65-1627(a) provides:

The board may revoke, suspend, place in probationary status or deny a renewal of any license of any pharmacist upon a finding that:...(3) the licensee is found by the board to be guilty of unprofessional conduct; (4) the licensee is addicted to the liquor or drug habit to such a degree as to render the license unfit to practice the profession of pharmacy; (5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;...(13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order.

The Board finds that Mr. Jones's conduct, i.e., diverting drugs belonging to his employer for his own use, violates the above-referenced provisions of the pharmacy act and regulations promulgated and is grounds for disciplinary action against his registration. The Board also finds that Mr. Jones failed to provide documentation evidencing that he is/was participating in the KsPRN program.

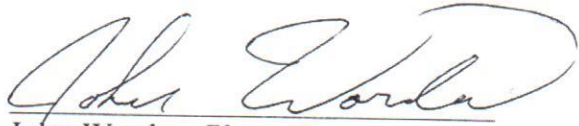
Lastly, Mr. Jones failed to appear for his hearing on November 5, 2015 on the Petition.

Based on the foregoing, the Board revokes the registration of Kyle B. Jones to practice as a pharmacy intern in the state of Kansas. (Board President, Chad Ullom, RPh, recused himself in this matter.)

In addition, the costs of this proceeding are assessed against the registrant pursuant to K.S.A. 65-1627h. The amount of costs is \$1381.08 and shall be paid to the Kansas State Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, KS 66612-1244, by **April 1, 2016**.

**IT IS SO ORDERED.**

Dated this 3 day of March, 2016.



John Worden, PharmD  
Vice President, Kansas Board of Pharmacy

## NOTICES

This is a Final Order, and becomes effective upon service.

**Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.

Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.

A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

**CERTIFICATE OF SERVICE**

On March 2<sup>nd</sup>, 2016, I mailed a copy of this document  
to:

Kyle B. Jones  
550 Stone Ridge Dr., Apt. D208  
Lawrence, KS 66049

Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl., Ste. 201  
Topeka, KS 66604

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612-1244



\_\_\_\_\_  
Staff Person