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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

November 22, 2023

Jason Kent
16102 W 157th St
Olathe KS 66062

RE: Case No. 23-211

Dear Mr. Kent:

Enclosed you will find a Final Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

cc:

Jason Kent
13550 Earnshaw St Apt 111
Overland Park KS 66221

jasonkent99@gmail.com

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 23-211

Jason A. Kent, R.Ph.,

Kansas License No. 1-12866,

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations, and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) to extend the terms and conditions of the Statement of Understanding between Jason A. Kent (Kent) and the Kansas Pharmacists Recovery Network (KsPRN) for a period of five years from the date of the hearing, and for Kent to undergo and complete a mental health evaluation and comply with all recommendations.

Statement of Case

This matter comes on for hearing on July 27, 2023, before the Board upon the request by Kent to have a hearing before the Board to have his pharmacy license restored to active status and be released from the Stipulation and Consent Order entered into on September 12, 2019.

Appearing for the Board were: Dr. Terica Gatewood, PharmD, President; and members, Bill Walden, R.Ph; Dr. Jonathan Brunswig, PharmD; Dr. Tiffany Strohmeyer, PharmD; Dr. Erick Axcell, PharmD; Dr. Andrew Truong, PharmD; and, Lucinda Noches Talbert, Public Member.

Kent appeared in person without an attorney.

Randy Forbes appeared as the Board's disciplinary counsel.

Alexandra Blasi (Blasi), Executive Secretary for the Board, appeared.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

The evidentiary hearing was closed to the public due to the confidential nature of the information to be presented to the Board.

Evidentiary Rulings

The Board offered Exhibits 1 through 8 for admission as evidence. Kent had no objection to admission of Exhibits 1 through 8. Board's Exhibits 1 through 8 were admitted.

Findings of Fact

1. The Board issued Pharmacy License Number 1-12866 to Kent, authorizing him to perform the functions of a pharmacist in the State of Kansas.
2. On July 31, 2019, Kent signed a Statement of Understanding with KsPRN. [Ex. 5].
3. On September 12, 2019, Kent and the Board entered into a Stipulation and Consent Order (Stipulation). [Ex. 1]. Pursuant to the Stipulation, Kent was required to pay a fine, was placed on probation for a period of five (5) years, required to enter into the Impaired Pharmacy Practice Program for a period of no less than five (5) years, and was prohibited from serving as a pharmacist-in-charge (PIC).
4. On March 10, 2023, an evidentiary hearing was held, and the Board decided to suspend Kent's pharmacy license for a period of one (1) year, subject to Kent complying with the Statement of Understanding entered into with KsPRN, undergoing a mental health evaluation, and complying with the Stipulation. A Final Order was issued on May 20, 2020. [Ex. 2].
5. On February 19, 2021, an evidentiary hearing was held, and the Board decided to lift the suspension imposed on Kent's pharmacy license, subject to Kent complying with the Statement of Understanding entered into with KsPRN and complying with the Stipulation. A Final Order was issued on March 2, 2021. [Ex. 3].
6. Blasi testified Kent did not appeal either of the Final Orders issued by the Board.
7. Blasi further testified that Kent had requested to go on inactive status, which was granted by the Board, with the understanding that if Kent reactivated his license, it would be subject to probation.
8. Blasi testified that Kent requested that his license be restored to active status and that he be released from the Stipulation.
9. The Board received a letter from Caitlin Thompson (Thompson), Administrator of KsPRN, dated February 9, 2023. [Ex. 4]. According to the letter, Kent had been non-compliant with the KsPRN program requirements. It was stated that Kent failed to check in with the program on nine (9) dates between November 3, 2022, and January 27, 2023. Kent was selected for a random drug screen on November 7, 2022, but failed to complete the test. Kent also failed to respond to communications from KsPRN and the Partnership for Professional Wellness (PPW) on multiple occasions. Finally, Kent failed to submit the monthly monitoring form for December of 2022. These acts, or failures, were deemed by the Committee on Impaired Pharmacy Practice (CIPP) to be violations of the Statement of Understanding Kent entered into with the KsPRN.

10. Documentation was received from the Missouri Board of Pharmacy¹ concerning Kent's monitoring. [Exs. 6 and 7]. The report was updated to July 1, 2023, and showed that Kent had missed twenty (20) monitoring calls between November 3, 2022, and July 1, 2023. Kent had also failed to complete testing on November 7, 2022, and May 17, 2023.

11. Thompson testified that Kent was required to call and check in to see if he would be subject to submitting a specimen for testing. Thompson testified that failure to check in is a failure to remain compliant with the Statement of Understanding.

12. Kent testified that the information provided regarding his monitoring was correct. Kent testified that he is trying to be the best person he can be and has been sober for eight and a half (8.5) years. Kent testified his truck was stolen in November of 2022 and at the first of the year he had been trying to help someone who caused "destruction" in his life. Kent testified that he would forget to check in on Saturdays and Sundays, explaining that those were busy days for realtors.

13. Kent testified his last mental health evaluation was completed in 2020.

14. Kent testified that he had requested to go on inactive status because he did not have the money to complete the continuing education that was required for his pharmacist license.

Applicable Statutes, Regulations and Policies

"The board may revoke, suspend, place in probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (16) the licensee has violated or failed to comply with any lawful order or directive of the board."²

The Board took into consideration that Kent had entered into a Stipulation and Consent Agreement in which he had agreed to enter into a Statement of Understanding with KsPRN, which he did. Kent also agreed to "at all times, be in full compliance with the requirements of the KsPRN Agreement and other requirements placed upon him by KsPRN." One of the conditions of the Statement of Understanding was that Kent was to continue with the random testing and check in every day. On multiple occasions Kent failed to comply with the Statement of Understanding, having missed anywhere from nine (9) to twenty (20) call-ins completely, depending on the timeframe considered, and missed at least two (2) scheduled tests.

An individual who fails to check in when required and fails to submit to scheduled testing is considered to be out of compliance with the Statement of Understanding entered into with KsPRN. Therefore, Kent was out of compliance with the Statement of Understanding on multiple occasions.

¹ Kent had entered into a Settlement Agreement with the Missouri Board of Pharmacy that required Kent to undergo random drug testing.

² K.S.A. 65-1627(a)(1).

While Kent provided a number of reasons for his failure to comply with the Statement of Understanding, and even indicated he had managed to remain sober for an extended period of time, in excess of eight (8) years, this did not excuse Kent's non-compliance.

Decision

The Board voted six (6) in favor and zero (0) opposed to extend the period of time Kent is to remain in the KsPRN program and remain in compliance with the Statement of Understanding entered into with KsPRN for a period of no less than five (5) years from the date of hearing, and that Kent shall undergo a mental health evaluation, and failure to comply with this order may result in the revocation of his Kansas Pharmacy license. All terms and conditions of Kent's probation, as set forth in the Stipulation and Consent Order dated September 12, 2019, shall remain in effect and are incorporated herein.³

Nov 21, 2023

Date


Terica Gatewood (Nov 21, 2023 18:28 CST)

Dr. Terica Gatewood, PharmD, President
Kansas Board of Pharmacy

Notices

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.⁴
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.⁵ 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.
4. 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

³ Dr. Tiffany Strohmeyer, PharmD, recused herself from the deliberations and the decision.

⁴ K.S.A. 77-529.

⁵ K.S.A. 77-613.

Certificate of Service

On November 22, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

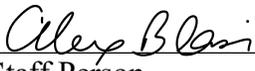
Jason A. Kent, R.Ph.
16102 W. 157th St.
Olathe, KS 66062

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Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

Jason A. Kent, R.Ph.
13550 Earnshaw St, Apt 111
Overland Park KS 66221

and I further certify that I caused a copy of the foregoing to be hand-delivered to:

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



Staff Person
Kansas Board of Pharmacy