

Filed By

JAN 23 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Alan Kruger)
_____)

Case No. 18-099

SUMMARY ORDER OF DENIAL

NOW on this 23 day of January, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Alan Kruger, ("Applicant"), for his application for licensure as a Kansas pharmacist.

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 or about March 20, 2018, the Board received Applicant's application for licensure as a pharmacist in the State of Kansas ("Applicant's Application").
2. Applicant answered "Yes" to the following question on his application: Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not a sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?

3. Applicant attached court documents with his application for an August 1, 2015 arrest for assault with a deadly weapon that was disposed of as two counts of improper exhibition of a weapon.

4. On March 30, 2018, the Board mailed Applicant a letter requesting he submit a completed Personal History Form S-150, Background Check Form S-100, and fingerprint card.

5. On April 25, 2018, the Board received the requested Personal History Form S-150; however, the Board did not receive the requested Background Check Form S-100 or confirmation that the fingerprint card had been completed.

6. On July 19, 2018, the Board emailed Applicant requesting an update on the status of his Background Check Form S-100.

7. To date, the Board has not received a response from Applicant regarding the status of his Background Check Form S-100.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(a)(8), the Board may deny an application of any pharmacist upon a finding that the pharmacist has violated any provision 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.

2. Pursuant to K.S.A. 65-1696(a), as part of an original application for any license, the state board of pharmacy may require a person to be fingerprinted and submit to a state and national criminal history check.

3. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application of any pharmacist upon a finding that the pharmacist has failed to furnish the Board, its investigators or its representatives any information legally requested by the Board.

4. Applicant's failure to comply with the Board's fingerprint requirement is a violation of K.S.A. 65-1696(a) and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(8).

5. Applicant's failure to provide the requested Background Check Form S-100 is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacist license is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

6. 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.

7. 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.

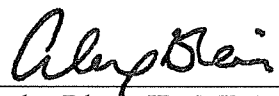
8. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

9. 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.

Date 1/23/19



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23 day of January, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Alan Kruger
119 NW Madison Ct
Port Saint Lucie, FL 34986



Kansas Board of Pharmacy Staff