

February 15, 2023

Tyrone Lewis
1604 Orleans Cir, Apt 2I
Kansas City MO 64116

RE: Case No. 23-015

Dear Mr. Lewis:

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)
)
Tyrone Lewis)
)
Applicant)

Case No. 23-015

SUMMARY ORDER OF DENIAL

NOW, on this 15th day of February, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Tyrone Lewis (“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 October 6, 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 question on his application: Have you been charged with or convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

3. As part of Applicant's Application, Applicant certified that the information provided was true, correct and complete, and understood that falsification of the information provided was grounds for denying Applicant's Application.

4. In conjunction with Applicant's Application, Applicant provided a signed S-150 Form which stated only: "I was convicted of saleing drugs 14 years 8mos."

5. The Board received information regarding a January 1989 Opiates, opium, narcotic drugs or amphetamine/methamphetamine offense, an October 2007 Solicitation to rape; Person who does not consent; Force offense, and a June 2008 Kidnapping and Criminal Sodomy; Sub-section unknown offense(s).

6. On October 12, 2022, the Board mailed Applicant a letter requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

7. On or about October 31, 2022, the Board received the requested documentation. Applicant's court documents indicated the following:

- a. In January 1989, Applicant was arrested for a felony drug offense in Wyandotte County, Kansas. Applicant was subsequently convicted.
- b. In November 1995, Applicant was convicted of multiple counts of federal, felony drug charges for conspiring and agreeing to commit an offense against the U.S. by distributing "crack" cocaine. Applicant was sentenced to 140 months in prison to be followed by 10 years of supervised release, which was terminated early in July 2012.
- c. Applicant's charges included knowingly and intentionally receiving and possess, in and affecting commerce, a firearm weapon made from a 12-gauge shotgun with

barrel less than 18 inches in length, shipped and transported in interstate commerce.

- d. In 2009, charges against Applicant from 2008 were dismissed due to noncooperation of the witness.

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)(1), the Board may deny an application of any pharmacist who has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

4. 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.

5. Pursuant to K.S.A. 65-1626(vv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

6. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

7. While Applicant did provide some court documents, Applicant did not provide all of the requested court documents. Applicant's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application.

8. Though Applicant answered "Yes" to the disciplinary questions on Applicant's Application, Applicant's initial S-150 statement of "saleing drugs" was deficient and a misrepresentation of his extensive criminal offense history, which included felony drug charges. This misrepresentation was material and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

9. Applicant's felony drug convictions are a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2). While it has been almost 10 years since Applicant was released from supervision, the nature and seriousness of the offense in relation to the practice of pharmacy, proximity to sensitive information and drugs, and access to controlled substances suggest that Applicant may pose a significant danger to the public in the pharmacy setting. Furthermore, Applicant's lack of transparency regarding his offenses, inconsistencies in his S-150 statement with court documents, and minimal consciousness of his wrongful conduct and fail to demonstrate that he has been sufficiently rehabilitated to warrant the public trust at this time.

10. Applicant's pattern and practice of criminal conduct over more than 20 years, including multiple felony drug convictions, weapons, and personal conduct issues, are

unprofessional conduct likely to harm the public in the pharmacy setting and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

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:

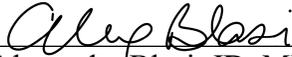
1. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, 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.

2/15/2023

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15th day of February, 2023, 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:

Tyrone Lewis
1604 Orleans Cir, Apt 2I
Kansas City MO 64116



Kansas Board of Pharmacy Staff