

Filed By

APR 29 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Kevin Lyon )  
\_\_\_\_\_ )

Case No. 18-790

**SUMMARY ORDER OF DENIAL**

NOW on this 29 day of April, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kevin Lyon, ("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, makes the following findings, conclusions and order.

**FINDINGS OF FACT**

For purposes of this order, the Board's Investigative Member makes the following findings of fact:

1. On December 3, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application he answered "Yes" to the questions:
  - "Have you ever been 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.”

- “Are you now or have you in the last five years been treated for a drug or alcohol addiction or participated in any substance abuse rehabilitation program?”

3. Applicant provided a letter stating that on January 10, 2018, he voluntarily checked into an addiction treatment center due to an addiction related to Hydrocodone and Alprazolam. The letter indicated a significant history of opioid use dating back to 2006. The letter also included the name and contact information of his Narcotics Anonymous sponsor, the name and contact information of a personal reference, and the name and contact information of his pharmacy manager for reference.

4. The Board’s Individual License Evaluator conducted two different phone interviews with Applicant. During both phone interviews, Applicant became agitated, argumentative, and disrespectful when the Board sought clarification and explanation of documents received. Applicant advised that he did not feel the need to answer or provide any further information to the Board and expressed that it was the Board’s responsibility to reach out to the references he provided. The Evaluator explained that the burden of proof is on the Applicant as indicated on the S-150 and that it is his responsibility to provide documentation that he is sufficiently rehabilitated to warrant the public trust.

5. The Board’s Evaluator concluded that Applicant accepts partial responsibility for the wrongfulness of conduct in his S-150, but in verbal discussion, he discounts the importance of the level of assurance necessary for the Board to approve a pharmacy technician registration of an individual with a recent controlled substance addiction.

6. To date, the Board has not received any certification of involvement in treatment programs, evidence of coursework, community involvement, volunteer service, or recommendation letters.

#### CONCLUSIONS OF LAW

7. 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.

8. That pursuant to K.S.A. 65-1627(a)(3), the Board may deny the application of a pharmacist if licensee is found by the Board to be guilty of unprofessional conduct.

9. Pursuant to K.S.A. 65-1626(ttt), unprofessional conduct includes conduct likely to harm the public.

10. Pursuant to K.S.A. 65-1627(a)(4), the Board may deny the application of a pharmacist if the licensee is addicted to a drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy.

11. Applicant's previous or current addiction to one or more controlled substances is unprofessional conduct and a basis to deny Applicant's Application.

12. Applicant's failure to provide the Board with any documentation that he successfully completed treatment for addiction and is no longer using controlled substances prevents the Board from knowing with certainty that he is no longer addicted to a drug habit due to the recency of the addiction, and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(4).

13. Applicant's recent addiction to controlled substances is a danger to the public in the pharmacy setting, where controlled substances may easily be accessed by pharmacy workers, and is a basis to deny Applicant's Application.

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:

14. 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.

15. 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.

16. 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.

17. 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.

4/29/19  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29 day of April, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

KEVIN LYON  
14532 West 146 Ct  
Olathe, KS 66062



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Kansas Board of Pharmacy Staff