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BEFORE THE KANSAS STATE BOARD OF PHARMACY

IN THE MATTER)

OF)

JOHN STEPHEN MAJOR)

Case No: 02-20

SUMMARY PROCEEDING ORDER SUSPENDING LICENSES

Pursuant to K.S.A. 47-830(m) and K.S.A. 77-537

Now on this ____ day of June 2002, the above-captioned matter comes before Max Heidrick, Investigative Board Member, to consider John Stephen Major's (Major) application for licensure as a pharmacist in Kansas. After considering the application, matters contained in the Board's files and other matters, the following Summary Proceeding Order is entered:

1. The Board Investigative Member is duly authorized by the Board to enter Summary Proceeding Orders denying application for licensure.

2. Major's application for licensure by examination was received by the Board on April 29, 2002. See Exhibit 1 to this Order.

3. Major was previously licensed as a pharmacist in Colorado, with the original license issued on July 29, 1982. See Exhibit 2 to this Order.

4. Major has a substantial history of disciplinary proceedings before the Colorado Board,

with his license being suspended at least four times.

5. The Colorado disciplinary proceedings stemmed from a 1989 felony conviction for conspiracy to possess a Class II controlled substance.

6. Major's license was placed on probation, subject to conditions. Among the conditions placed on Major's license were that he have a practice monitor, that he inform his treatment monitor prior to engaging in employment for the practice of pharmacy, that he not accept employment without completing a return-to-work agreement, that he be supervised while on duty, and that he not practice alone for more than one hour in an eight-hour shift.

7. An Administrative Hearing Officer for the Colorado Board revoked Major's license after a hearing when it was determined that he was engaged in the practice of pharmacy without observing the conditions of his probation. The Colorado Board affirmed the revocation Major's license, and the revocation was later affirmed by the Colorado Court of Appeals. Attached to this Order and incorporated by reference are the following: Exhibit 3 Colorado hearing officer's decision revoking Major's license; Exhibit 4 Colorado Board order affirming the revocation; Exhibit 4 Colorado Court of Appeals decision affirming revocation.

CONCLUSIONS OF LAW AND FACT

8. The Kansas Pharmacy Act provides that in evaluating an application for licensure, The board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure.

K.S.A. 65-1631(h).

9. Major's refusal to follow the conditions of his licensure probation and subsequent revocation of his Colorado license to indicate that he is not sufficiently rehabilitated to warrant the public's trust. As the Colorado Board noted:

There is no assurance that Respondent is safe to practice unless there is supervision and reporting. The requirements of Respondent's probation are not merely administrative in nature but have a direct impact on safe practice. His lack of understanding of the reasons for and importance of the practice restrictions is an aggravating factor that argues against continued probation.

Having considered all of the evidence and the arguments of the parties, the Administrative Law Judge concludes that revocation of Respondent's license to practice pharmacy in the State of Colorado is necessary for the protection of the public.

ORDER

Major's application for licensure is hereby denied.

IT IS SO ORDERED.

Dated this _____ day of June, 2002.



Max Heidrick, Investigative Board Member

NOTICE OF RELIEF FROM THIS SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Susan Linn
Executive Director
Kansas Board of Pharmacy
LSOB
900 SW Jackson, Rm 513
Topeka, KS 66612-1231

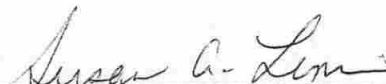
This written request must be filed within fifteen (15) days from the date indicated in the below Certificate of Service. If you do not request a hearing in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing.

Certificate of Service

This is to certify that on the 18 day of June, 2002, a true and correct copy of the above

and foregoing was deposited in the U.S. mail, first class postage prepaid, addressed to:

John Stephen Major
4900 S. Clarkson
Englewood, CO 80110



Susan Linn