

January 26, 2022

STEVEN MARTENS


RE: Case No. 22-021

Dear Mr. Martens:

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)
)
Steven Martens)
)
Applicant)

Case No. 22-021

SUMMARY ORDER OF DENIAL

NOW, on this 26th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Steven Martens (“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 December 17, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of the application, Applicant answered “NO” to the question: *Have you ever 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.* The application directs that if the applicant answers “YES”, they must attach a Form S-150: Personal History (“S-150”).

3. As part of the application, Applicant had certified that the information provided in the Application was true, correct, and complete, to the best of his knowledge.

4. Subsequently, the Board received information regarding a November 1976 charge that had been laid against Applicant for sale/etc. of opiates, opium, or narcotic drugs.

5. On December 27, 2021, the Board sent a letter to Applicant's address of record requesting a completed S-150 as well as certified copies of the court pleadings from the case.

6. On January 3, 2022, the Board received from Applicant a statement noting that he was acquitted by jury trial in the matter, but that the court did not hold any record of his case. Applicant gave no details as to the nature of the incident which invited the charge, but included a condensed resume.

7. On January 4, 2022, the Board emailed a second letter to Applicant again requesting a thorough S-150 explanation and all court records to support his acquittal of the drug-related charge in question, and that he also provide a response as to why his Application listed an answer of "NO." The Board also stated that Applicant's Application would not be considered complete for consideration until its receipt of the requested documents.

8. Also on January 4, 2022, Applicant responded to the Board's email, stating he felt that the Board's request for information on a 45-year-old case was "totally out of line," that he had "no interest in digging up something that cannot be obtained as [he] tried to get the info," and that if the Board believed the time elapsed since the charge plus his "All Star resume [weren't] enough then something is terribly wrong with [its] apps."

9. On January 5, 2022, Applicant again emailed the Board to state that, after calling the court for details, the only way the court could bring up the case would be to put it online, and Applicant questioned if the Board really thought he would allow that to happen. He noted again

that he had been acquitted, that the case was total nonsense and had nothing to do with him, that he had zero other things on his criminal record, and that he would not dig up the 45-year-old history, as it would go online for the world to read.

10. Also on January 5, 2022, the Board responded to Applicant's latest email, stating that it would go ahead and move his as-yet incomplete Application ahead through the review process, "as is."

11. To date, the Board has received from Applicant neither a completed S-150 nor any court documentation, nor any further correspondence since his January 5th email statement.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(f)(1), the Board may deny an application for issuance 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)(15), the Board may deny an application of any license of any pharmacist upon a finding that the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

3. Applicant's failure to supply the Board with the documents requested to complete his Application 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 is hereby DENIED.

NOTICES

The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

1/26/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of January 2022, 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:

STEVEN MARTENS



Alex Blasi

Kansas Board of Pharmacy Staff