

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Roy Martin)
1-14184)
_____)

Case No. 18-552

SUMMARY ORDER OF DENIAL

NOW on this 23 day of August, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Roy Martin, ("Applicant"), for his renewal application for licensure as a pharmacist in the State of Kansas.

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 June 28, 2018, the Board received Applicant's renewal application for licensure as a pharmacist in the State of Kansas ("Applicant's Application").

2. Applicant disclosed that he had received the following discipline to his pharmacist license in other jurisdictions as a result of a June 15, 2016 finding by the Oklahoma State Board of Pharmacy that Applicant was employed as the Pharmacist in Charge at PPM Pharmacy when it engaged in compounding 88,245 testosterone and estradiol pellets prior to

obtaining a sterile compounding permit; and failing to utilize certified equipment, ensure a sterile environment, label products with an appropriate beyond use date, label products with adequate instructions from intended use, and ensure pharmacist verification during compounding:

- Oklahoma: Agreed Board Order dated June 15, 2016 imposing a 5 year probationary period, a \$5,000 fine, and additional continuing education requirements;
- Texas: Agreed Board Order dated May 2, 2017 imposing a 5 year probationary period, a \$5,000, and a requirement to pass the Texas MPJE;
- Louisiana: Consent Order dated May 23, 2018 imposing a probationary period of almost 4.5 years, a letter of reprimand, and a \$1,250 fine;
- Arkansas: Discipline pending July 2018 meeting – outcome unknown to the Board;
- Colorado: Probation based on Oklahoma Board Order.

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1627(a)(12), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

2. Pursuant to K.S.A. 65-1627(a)(3), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

3. Pursuant to K.S.A. 65-1626(tt)(7), unprofessional conduct means conduct likely to harm the public.

4. Applicant's ongoing probationary status and fine in the State of Oklahoma, as evidenced by the Oklahoma State Board of Pharmacy's Final Order, is both a limitation and disciplinary action taken by another state after formal proceedings, and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(12).

5. Applicant's ongoing probationary status and fine in the State of Texas, as evidenced by the Texas Board of Pharmacy's Agreed Board Order, is both a limitation and disciplinary action taken by another state after formal proceedings, and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(12).

6. Applicant's ongoing probationary status and fine in the State of Louisiana, as evidenced by the Louisiana Board of Pharmacy's Consent Order, is both a limitation and a disciplinary action taken by another state after formal proceedings, and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(12).

7. All discipline and original compliance issues resulting in discipline are unprofessional conduct or professional incompetency and may harm the public if allowed to occur in Kansas and are grounds 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 for issuance of a pharmacist license is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

8. 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.

9. 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.

10. 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.

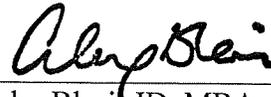
11. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

8/23/18

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23 day of August, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Roy Martin
11209 S Ross Ave
Oklahoma City, OK 73170



Kansas Board of Pharmacy Staff