

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Derek Miller)
)
Registration No. 24-108346)

Case No. 20-265

SUMMARY ORDER

NOW, on this 29th day of October 2020, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Derek Miller, (“Respondent”).

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 in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 24-108346 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about February 6, 2020, the Board received information regarding a February 1, 2020 misdemeanor charge against Respondent for driving under the influence.
3. On February 6, 2020, the Board sent a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”), as well as certified copies of the court pleadings from the case.

4. On March 5, 2020, the Board received from Respondent a request for extension of the 30-day deadline in which to submit the documentation requested of him, and noting that he was in pursuit of a diversion for the charge.

5. On March 9, 2020, the Board granted Respondent's request for extension, giving an additional 30 days, or until April 6, 2020.

6. By July 7, 2020, the Board had still not received the requested documentation from Respondent, so sent a second letter to Respondent's address of record again requesting a completed Personal History Form S-150 ("S-150"), as well as certified copies of the court pleadings from the case.

7. On August 20, 2020, the Board received the requested documents from Respondent, which detailed that Respondent accepted responsibility for the charge, and that he had pursued and was granted a 12-month diversion, to be completed on June 26, 2021.

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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any 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.

3. Respondent's misdemeanor DUI is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as he is still under his court diversion

agreement, and is therefore unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

6. Respondent's having driven under the influence is unprofessional conduct and a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of his court diversion agreement, and must notify the Board of any change, including termination, within 10 days of the change;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of his pharmacy technician registration;
- Respondent must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of his probationary status to the Board; and

- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.


10/29/2020
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29th day of October 2020, 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:

DEREK MILLER
5353 GREENVIEW CT
MERIDEN, KS 66512



Kansas Board of Pharmacy Staff