

May 25, 2023

Brian Mooney
216 N. Lincoln Street
Olathe Kansas 66061

RE: Case No. 23-251

Dear Brian Mooney:

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. In addition, a civil fine has been assessed totaling \$200. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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)
)
Brian Mooney)
)
Registration No. 24-120016)

Case No. 23-251

SUMMARY ORDER

NOW, on this 25th day of May 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Brian Mooney, (“Applicant”), for application for registration as a Kansas pharmacy technician.

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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On February 27, 2023, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on Applicant’s Application: “Have you 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, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In conjunction with Applicant's Application, Applicant submitted a signed S-150 statement that stated the following: "N/A Not required according to instructions. Filled out in error."

4. The Board received information regarding a May 2012 driving under the influence offense, and a July 2019 disorderly conduct offense against Applicant.

5. On March 2, 2023, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

6. On March 30, 2023, the Board mailed Applicant a second letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

7. On April 27, 2023, the Board mailed Applicant a final letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

8. On or about May 17, 2023, the Board received the requested documentation, which confirmed the aforementioned offenses and indicated Applicant completed a 12-month diversion for the 2012 DUI offense and pleaded guilty to the 2019 disorderly conduct charge and was placed on probation for one year.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. That pursuant to K.S.A. 65-1663, the Board may take action on 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may take action against the license of any pharmacist upon a finding that the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

4. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to take action against Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED but Applicant is ordered to pay a fine to the Board in the amount of \$200. Applicant has 30 days from the date of this order to pay the fine and the pharmacy technician registration shall be issued upon receipt.

NOTICES

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

IT IS SO ORDERED.

5/25/2023

Date

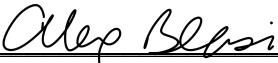
Alex Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of May 2023, 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:

Brian Mooney
216 N. Lincoln Street
Olathe Kansas 66061



Kansas Board of Pharmacy Staff