

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Ashish Patel, )  
Applicant )  
\_\_\_\_\_ )

Case No. 16-222

**SUMMARY ORDER OF DENIAL**

NOW on this 20 day of February, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Ashish Patel (the "Applicant") 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 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 January 27, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application he answered "Yes" to the question: "Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?" The application form directs that if the applicant

answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. Applicant disclosed a 2012 felony conviction for solicitation of a minor.

4. In addition to the felony disclosure, Applicant included seven certificates of completion for various sex offender treatment and rehabilitation programs.

5. Applicant is currently registered as a sex offender on the Kansas Registry.

#### CONCLUSIONS OF LAW

6. 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.

7. That pursuant to K.S.A. 65-1627(a)(2), the Board may take action against the license of a pharmacist if the licensee has been convicted of a felony and has failed to show sufficient rehabilitation to warrant the public trust.

8. The nature of the position of Pharmacy Technician includes access to confidential patient information, including contact information and addresses. The severity the felony and the time elapsed since the conviction requires a significant showing of rehabilitation and Applicant has failed to meet this standard.

9. Even though Applicant actively participates in treatment programs, the position allows too much access to consumer information, possibly endangering the consumers and violating the public trust.

10. While Applicant did provide some certificates of completion for sexual offender treatment programs, the showing of rehabilitation is insufficient to warrant the public trust and thus warrants the application of K.S.A. 65-1627(a)(2).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

11. 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.

12. 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.

13. 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.

14. 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

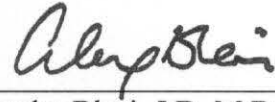
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**SUMMARY ORDER OF DENIAL**

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IT IS SO ORDERED.

\_\_\_\_\_  
Date

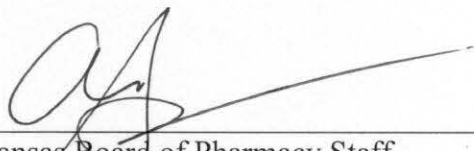


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Alexandra Blasi, J.D. M.B.A.  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20 day of February, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Ashish Patel  
1202 N. Martway Dr.  
Olathe, KS 66061



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Kansas Board of Pharmacy Staff