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KANSAS STATE  
Board of Pharmacy

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BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of )  
Chirag D. Patel, for registration ) Case No.: 11-86  
as a Pharmacy Technician. )

SUMMARY ORDER

NOW this 2<sup>nd</sup> day of September, 2011, the above captioned matter comes before the Kansas State Board of Pharmacy ("Board") on the application of Chirag D. Patel ("Respondent") for registration as a Pharmacy Technician. After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following Summary Order:

FACTS

1. Respondent is a resident of 3732 SW Topeka Avenue, Topeka, Kansas 66609.
2. Respondent applied to the Board for registration as a Pharmacy Technician on August 11, 2011.
3. The Board has the authority to grant Respondent registration as a Pharmacy Technician.
4. Part IV of the Board's application for registration as a Pharmacy Technician (the "Application") states: "You must respond fully and truthfully to these questions and, if the

answer is ‘Yes’ to any part of these questions, you **must** provide a notarized written detailed explanation of the circumstances.”

5. Part IV of the Application further states:

**You must fully and truthfully report your criminal history whether or not the arrest/citation was dismissed, dismissed through drug court diversion, expunged under the first offender act, alternative sentencing act, Act 531, Act 305, or Act 346, or it happened over 5 years ago.** This criminal history includes all DWI, DUI, and MIP (Minor in Possession) violations, possession of controlled substances, theft, shoplifting, domestic violence, assault violations, or any other violation of any state or federal law, whether misdemeanor or felony, and regardless of the state or territory in which it happened.

6. Part IV of the Application states: **“If you do not fully and truthfully report your history, your application will be denied and/or you will be subject to other sanctions.”**

7. The third question in Part IV of the Application asks: “Have you ever been cited, arrested for, 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 or expunged? Respondent answered “NO.”

8. The Kansas Bureau of Investigation did a criminal background search on Petitioner and provided the Board with an Abstract of Criminal History, more commonly known as the RAP Sheet based on Respondent’s fingerprints.

9. Petitioner’s RAP Sheet states that on May 17, 2001, Respondent was convicted of Municipal/County violation, Alcohol offense in the Topeka Municipal Court.

#### CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board’s Investigation Member makes the following conclusions of law and fact:

10. Respondent is a resident of 3732 SW Topeka Avenue, Topeka, Kansas 66609.

1. Respondent applied to the Board for registration as a Pharmacy Technician on August 11, 2011.

2. Pursuant to K.S.A. § 65-1627a, the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any license, registration or permit issued by the Board 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. The Board may deny the registration of a Pharmacy Technician for failure to provide the Board, its investigators or its representatives any information legally requested by the Board as provided in K.S.A. § 65-1627(a)(15).

4. On May 17, 2001, Respondent was convicted of a Municipal/County violation, Alcohol offense in the Topeka Municipal Court.

11. Part IV of the Board's application for registration as a Pharmacy Technician (the "Application") states: "You must respond fully and truthfully to these questions and, if the answer is 'Yes' to any part of these questions, you **must** provide a notarized written detailed explanation of the circumstances."

12. Part IV of the Application further states:

**You must fully and truthfully report your criminal history whether or not the arrest/citation was dismissed, dismissed through drug court diversion, expunged under the first offender act, alternative sentencing act, Act 531, Act 305, or Act 346, or it happened over 5 years ago.** This criminal history includes all DWI, DUI, and MIP (Minor in Possession) violations, possession of controlled substances, theft, shoplifting, domestic violence, assault violations, or any other violation of any state or federal law, whether misdemeanor or felony, and regardless of the state or territory in which it happened.

13. Part IV of the Application states: "**If you do not fully and truthfully report your history, your application will be denied and/or you will be subject to other sanctions.**"

14. The Kansas Bureau of Investigation did a criminal background search on Petitioner and provided 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 or expunged? Respondent answered "NO."

5. Respondent responded falsely to the Board's request for information..

6. The Board legally requested the Petitioner provide the Board information regarding Petitioner's criminal history.

WHEREFORE, the Board, having considered the facts and law, hereby DENIES Respondent's application for registration as a Pharmacy Technician.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Petitioner is hereby DENIED registration as a Pharmacy Technician pursuant to K.S.A. § 65-1627a.

#### NOTICES

Petitioner is hereby notified as follows:

1. Petitioner may request a hearing pursuant to the Kansas State Administrative Procedures 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 Summary 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 § 77-613. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612.

IT IS SO ORDERED.

09-02-2011

Date

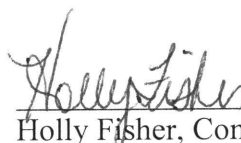


David R. Schoech

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12<sup>th</sup> day of September, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Chirag D. Patel  
3732 SW Topeka Avenue  
Topeka, KS 66609.



Holly Fisher, Compliance Counsel

*D. Billingsley*

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KANSAS STATE  
Board of Pharmacy

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of  
Chirag D. Patel, for registration  
as a Pharmacy Technician.

Case No. 11-86  
OAH No. 12BP0005

**NOTICE OF PROPOSED DEFAULT ORDER  
AND  
PROPOSED DEFAULT ORDER**

The above-captioned matter comes on for consideration by the presiding administrative law judge (ALJ) to enter a Proposed Default Order. The ALJ finds:

1. The matter before the ALJ was initiated by the Kansas State Board of Pharmacy (Board) issuing a Summary Order to the applicant, Chirag D. Patel, on September 2, 2011.
2. The applicant filed a request for hearing with the Board on September 14, 2011.
3. The case was referred to the Office of Administrative Hearings on October 18, 2011 for purposes of holding an administrative hearing.
4. A notice was sent to the parties on October 19, 2011 setting this matter for a prehearing conference on November 1, 2011, at 9:30 a.m. The parties were provided a toll free number to participate in the conference. The notice specifically provided that "[a]ny party who fails to attend or participate in a prehearing conference . . . may be held in default pursuant to K.S.A. 77-520." None of the notices were returned by the United States Postal Service as undeliverable.
5. The prehearing conference was held on November 1, 2011 at 9:30 a.m. The Executive Secretary for the Board was present and participated by telephone. The applicant failed to appear.
6. The applicant is in default pursuant to K.S.A. 77-520.
7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the applicant files a written motion with the ALJ at the address provided stating why the Proposed Default Order should be vacated and the order is then vacated.
8. If this Proposed Default Order becomes effective, the applicant's request for an administrative hearing is dismissed pursuant to K.S.A. 77-520(d). The action of the

Board set forth in the Summary Order dated September 2, 2011 will become effective.

9. If the Proposed Default Order becomes effective, the applicant may petition for review by the Board within fifteen days thereafter. Failure to timely petition for review by the Board may preclude judicial review.
10. If this Proposed Default Order becomes effective and neither party requests further administrative review, it shall become a Final Order.
11. If this Proposed Default Order becomes a Final Order, any petition for judicial review must be filed within the deadline established in K.S.A. 77-613. Any petition for judicial review must be mailed or personally delivered to: Debra L. Billingsley, Executive Secretary, Kansas State Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612.

The ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the applicant. It shall take effect as specified in the above findings.

OFFICE OF ADMINISTRATIVE HEARINGS



Michele L. Tumell  
Administrative Law Judge  
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Nov. 4, 2011, I mailed a copy of this document to:

Chirag D. Patel  
3732 SW Topeka Ave.  
Topeka, KS 66609

Debra L. Billingsley, Executive Secretary  
Holly L. Fisher, Compliance Counsel  
Kansas State Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612  
Telephone: 785-296-4056

M. Dodds

Staff Person  
Office of Administrative Hearings  
1020 S. Kansas Avenue  
Topeka, KS 66612  
Telephone: 785-296-2433