

September 3, 2021

BRANDON RICE
2624 PARKWAY LN
VAN BUREN, AR 72956

RE: Case No. 21-103

Dear Mr. Rice:

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.

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)
)
Brandon Rice)
)
Registration No. 3-112542)

Case No. 21-103

SUMMARY ORDER

NOW, on this 3rd day of September 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Brandon Rice, (“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 previously issued Respondent a pharmacy intern registration number of 3-112542, authorizing Respondent to perform the functions of a pharmacy intern in the State of Kansas (“Respondent’s Registration”).
2. On April 30, 2021, the Board received an email from Respondent, notifying that he had been arrested on April 28, 2021, and charged with his first offense of operating under the influence.
3. On May 3, 2021, the Board emailed Respondent a letter requesting a completed Personal History Form S-150 (“S-150”) and certified copies of the court pleadings from the case.

4. On May 25, 2021, the Board received a request from Respondent for the extension of his deadline by which to submit the requested documentation. The Board granted this request on May 26, 2021, extending Respondent submission deadline out to June 11, 2021.

5. On or about June 7, 2021, the Board received the requested documentation. Respondent's S-150 personal statement showed personal responsibility for the incident, noting that his decision to drive under the influence had been a poor decision, made in ignorance. Respondent also noted that on June 2nd, he had applied for diversion of the charge, which if approved would require completion of a drug and alcohol information class and a victim impact panel. Respondent also included his paper citation, but provided no letters of recommendation.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1676(d)(1), the Board may limit a registration as a pharmacy intern 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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

4. Respondent is still awaiting the outcome of his charge and of his diversion application, therefore rendering Respondent unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time.

5. Respondent's recent arrest for and use of alcohol while operating a motor vehicle is unprofessional conduct, having placed the public at risk of harm, and is therefore 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 Pharmacy Intern Registration is hereby PLACED UNDER A 2-YEAR PROBATIONARY STATUS. The terms of Respondent's probation are as follows:

- Respondent must maintain compliance with the terms of any court probation or diversion upon its granting;
- Respondent must notify the Board of any change in his court outcome or status within 10 days of the change;
- Respondent must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- 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.

9/2/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3rd day of September 2021, 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:

BRANDON RICE
2624 PARKWAY LN
VAN BUREN, AR 72956



Kansas Board of Pharmacy Staff