

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Hayden Lee Rohr)
)
Registration No. 3-109546)

Case No. 19-355

SUMMARY ORDER

NOW on this 24th day of June, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Hayden Lee Rohr, (“Applicant”), for application for registration as a Kansas pharmacy intern.

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, makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On May 10, 2019, the Board received Applicant’s application for registration as a pharmacy intern in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” to the following question on his 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.

3. Applicant disclosed that he had been arrested on July 15, 2018 for minor in possession of alcohol, for which he entered into and completed a six-month diversion agreement. Applicant also disclosed July 2017 charges for criminal damage to property and disorderly conduct. The criminal damage charge was dropped and Applicant completed a diversion agreement for the disorderly conduct charge. Applicant provided copies of all relevant court documents and a letter of recommendation.

4. The Board received information regarding a 2016 miscellaneous wildlife violation that Applicant indicated resulted from an expired tag on a jet ski.

5. On May 28, 2019, the Board received additional information from Applicant indicating he was ticketed for disorderly conduct the previous weekend that resulted from attempting to help break up a fight. Applicant disclosed the offense to his pharmacy school. No additional court documents or updates are available.

6. Applicant's personal statements showed moral fitness and maturity, elaborating on his misconduct and showing personal responsibility for his wrongdoing. Additionally, Applicant included a letter of recommendation and character reference.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(d)(1), the Board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist intern on any ground that 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(ttt), unprofessional conduct means conduct likely to deceive, defraud, or harm the public.

4. Given that pharmacy is a profession where adherence to the law is of crucial importance, Applicant's recent disregard for the law and prior similar criminal offenses suggest that Applicant may present a risk to the public and should be monitored for continued compliance and fulfillment of all court requirements prior to having an unrestricted pharmacy intern registration. Thus, Applicant's criminal offense and recent disorderly conduct are bases to place Applicant's registration on a probationary status.

5. Applicant's recent disorderly conduct ticket, as well as his previous arrests and offenses resulting in diversion actions, are unprofessional conduct and a basis to place Applicant'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, Applicant's Application for issuance of pharmacy intern registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must comply with the terms of any court imposed diversion, probation, or other sentence resulting from the May 2019 disorderly conduct offense and ticket;
- Applicant must notify the Board of any change in his criminal offense status within 10 days of the change;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;

- Applicant must inform employers of the probationary status of his pharmacy intern registration;
- Applicant must obtain the signature of his pharmacist-in-charge (PIC) and preceptor documenting knowledge of his probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

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.

Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of June, 2019, 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:

Hayden Rohr
1489 Toulon Ave
Hays KS 67601

Kansas Board of Pharmacy Staff