

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Madison Schulte) Case No. 17-221
)
 Pharmacy Technician)
Registration No. 14-18405)

ORDER DENYING PETITION FOR RECONSIDERATION

On March 7, 2018, the Kansas Board of Pharmacy considered Respondent's Petition for Reconsideration of the Summary Order of Revocation entered December 21, 2017, said Petition for Reconsideration being filed on January 10, 2018. Respondent failed to timely request a hearing on the Summary Order of Revocation, which therefore became a Final Order of the Board on January 8, 2018, effective upon the expiration of the time to request a hearing. Pursuant to K.S.A. 77-529(a) and (b), the Kansas Board of Pharmacy denies Respondent's Petition and determines not to reconsider the Final Order in this matter.

As such, the Summary Order of Revocation entered on December 21, 2017, and effective as a Final Order of the Board on January 8, 2018, shall remain in effect, including all findings and conclusions therein and the order revoking Respondent's technician registration in Kansas.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of the Final Order, pursuant to said statute. The agency officer designated to receive services of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612-1244

IT IS SO ORDERED.

3/12/2018
Date

William Walden
William Walden, R.Ph.
Board Alternate Investigative Member

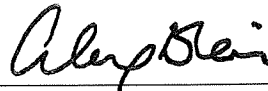
CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2018, a true and correct copy of the foregoing was sent by US mail, postage prepaid, properly addressed to the following:

Madison Schulte
12525 E Killarney Ct
Wichita KS 67206
Respondent

James T McIntyre
6235 W Kellogg Dr
Wichita KS 67209
Attorney for Respondent

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste 201
Topeka, KS 66604
Disciplinary Counsel for Kansas Board of Pharmacy



Alexandra Blasi
Executive Secretary

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Madison Schulte)
14-18405)
_____)

Case No. 17-221

SUMMARY ORDER OF DENIAL

NOW on this 21 day of December, 2017, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Madison Schulte, (“Applicant”), for application for a renewal of her Kansas pharmacy technician license.

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 October 27, 2017, the Board received Applicant’s application for renewal of licensure as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. On October 30, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been arrested for possession of marijuana on October 28, 2017.

3. On November 6, 2017, the Board requested that Applicant submit a completed Personal History Form S-150 and explain her recent arrest.

4. On November 13, 2017, the Board received a completed S-150 from Applicant, wherein she explains that she concedes to the recent arrest, and that she used marijuana once every two months, but would stop doing so in the future.

CONCLUSIONS OF LAW

1. 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.

2. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a licensee who fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

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

5. Applicant's marijuana arrest and admission to recent use in the past, and lack of evidence of rehabilitation, is unprofessional conduct and a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(3).

6. Applicant's past regular illicit drug use poses a danger to the public in the pharmacy setting, and is a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal of pharmacy technician licensure is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

7. 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.

8. 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.

9. 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.

10. 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.

12/21/17
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Madison Schulte
12525 E Killarney Ct
Wichita, KS 67206



Kansas Board of Pharmacy Staff