

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of  
Jeffrey James Scott  
Technician Applicant

Case No. 16-008

OAH No. 17BP0002

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

The above-captioned matter comes on for consideration by the Kansas State Board of Pharmacy (Board) to enter a Proposed Default Order.

The Board finds:

1. On March 17, 2016, the Board issued a Summary Order of Denial with regard to the application of Jeffrey James Scott for registration as a Kansas pharmacy technician.
2. On March 28, 2016, Mr. Scott requested an Administrative Hearing. The board sent an Acknowledgement of Hearing Request on March 31, 2016.
3. On July 18<sup>th</sup>, 2016, a Notice of Administrative Hearing was served on Mr. Scott, setting the hearing in this matter for November 3, 2016 at 9:45 a.m.
4. The notice specifically provided that “[a]ny party who fails to attend or participate in the hearing or in any other portion of the adjudicative process may be held in default pursuant to K.S.A. 77-520 and the Board may conduct further proceedings necessary for adjudication without the participation of the Respondent.”
5. The hearing in this matter was convened on November 3, 2016 at 9:45 a.m. Mr. Scott did not appear.
6. Mr. Scott 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 Mr. Scott files a written motion with the Board 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, Mr. Scott's application for registration as a Kansas pharmacy technician shall be denied.
9. If the Proposed Default Order becomes effective, Mr. Scott 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: Alexandra Blasi, Executive Secretary, Kansas State Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612.

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

12/20/16  
Date

Alexandra Blasi  
Alexandra Blasi, Executive Secretary  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

On December 21, 2016, I mailed a copy of this document to:

Jeffrey James Scott  
722 N. Pershing  
Liberal, KS 67901

Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

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



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Staff Person

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )

JEFFREY JAMES SCOTT )  
\_\_\_\_\_ )

Case No. 16-008

**SUMMARY ORDER OF DENIAL**

NOW on this 17 day of March, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the application of Jeffrey James Scott (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 Investigation Member 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 Investigative Member makes the following findings of fact:

1. On or about January 6, 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. The notarized statement Applicant provided with Applicant’s Application reads as follows: “I was convicted of possession of child pornography in Wichita, KS in 2001 and sentenced to probation.”

4. Applicant did not submit to the Board any additional statements, documents, or other evidence explaining his felony offense or attempting to demonstrate rehabilitation.

5. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about July 30, 2001, Applicant entered a plea of guilty to two counts of Possession/distribution of child pornography. Applicant was sentenced to probation for a period of three years and home detention for a period of six months. However, Applicant’s background report lists a status of “Status-Probation.”

6. The Kansas Public Offender Registry lists Applicant as a sexual offender and his registration is scheduled to end on July 30, 2016.

7. As part of Applicant’s Application, he certified that the information provided was true, correct and complete and that he understood that withholding relevant information was grounds for denying his application.

#### CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the renewal of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.

10. Applicant's conviction for the felony of possessing child pornography and his lack of evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with 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

IT IS SO ORDERED.

03/11/2016

\_\_\_\_\_  
Date




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David Schoech, R.Ph.  
Investigation Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17 day of March, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

JEFFREY JAMES SCOTT  
722 N PERSHING  
LIBERAL KS 67901

  
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Kansas Board of Pharmacy Staff