

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

SEP 12 2018

KANSAS STATE BOARD OF PHARMACY

In the Matter of)
)
NOAH SMITH)
 Pharmacy Technician)
Registration No. 14-103299)

Case No. 17-209

SUMMARY ORDER OF REVOCATION

NOW on this 12 day of September, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Noah Smith, Pharmacy Technician ("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 of Revocation in the above-captioned matter. After reviewing the investigation 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. The Board has issued Respondent Pharmacy Technician Registration Number 14-103299 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. On or about October 20, 2017, the Board received information that Respondent had been arrested on October 8, 2017 for possession of opiate, opium, narcotic or certain stimulant and possession of marijuana.

3. On or about October 20, 2017, the Board sent Respondent a letter requesting he submit a Personal History Form S-150 explaining the arrest.

4. On or about November 29, 2017, the Board received the requested Form S-150 from Respondent.

5. On or about April 5, 2018, the Board sent a letter requesting an update on Respondent's pending offense.

6. On or about June 7, the Board sent a second letter requesting an update on Respondent's pending offense.

7. On July 9, 2018, the Board sent a final letter requesting an update on Respondent's pending offense.

8. To date, the Board has not received an update from Respondent regarding the status of his pending offense.

CONCLUSIONS OF LAW

9. 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.

10. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist "has failed to furnish the board, its investigators or its representatives any information legally requested by the board."

11. Respondent's failure to supply the Board with the requested update regarding his pending criminal offense is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.

NOTICES

The Respondent is hereby notified as follows:

12. The 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.

13. If a hearing is not requested as described above, the Order revoking the Respondent'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.

14. 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.

15. 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

7/11/18
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12 day of September, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Noah Smith
2322 N Monroe
Hutchinson, KS 67502

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff