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Topeka, KS 66612



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www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

May 4, 2020

KYLE SWOGER  
3237 GILLHAM RD  
KANSAS CITY MO 64109

RE: *In the Matter of Kyle Swoger*  
Case No. 20-080

Dear Kyle Swoger:

The Kansas State Board of Pharmacy has updated its audit of continuing education for your recent renewal and determined that you are noncompliant. Please read the enclosed Amended Summary Order in its entirety, which includes assessment of a fine and mandatory additional continuing education. This order replaces the Summary Order previously issued by the Board in this matter. This discipline will be reported to the National Association of Boards of Pharmacy as a continuing education violation.

If you dispute the facts or legal basis for the action and wish to request a hearing regarding this matter, please reference the section titled "Notices" in the Order and promptly take action. Please be aware that if you request a hearing and the Board prevails, you will be required to pay the costs of the hearing.

Please note that when you submit your renewal each year, you certify that you have completed all continuing education necessary to renew your license. Therefore, failure to complete that continuing education constitutes a misrepresentation on your renewal application. The Board takes this matter very seriously. Even though this Amended Summary Order does not mention any misrepresentation, any future violation of the continuing education requirement will include a finding of misrepresentation to the Board.

If you have questions, please email [pharmacy.compliance@ks.gov](mailto:pharmacy.compliance@ks.gov) and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Amended Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

|                            |   |                 |
|----------------------------|---|-----------------|
| In the Matter of           | ) |                 |
| the Renewal Application of | ) |                 |
|                            | ) | Case No. 20-080 |
| Kyle Swoger                | ) |                 |
| Registration No.14-17741   | ) |                 |
| _____                      | ) |                 |

**AMENDED SUMMARY ORDER**

**NOW** on May 4, 2020, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Kyle Swoger (hereinafter referred to as "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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Amended Summary Order in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or around October 16, 2019, Respondent submitted a renewal application for Respondent's Kansas pharmacy technician registration.
2. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours.
3. Respondent's NABP CPE Monitor showed completion of 9 hours of continuing education to renew Respondent's pharmacy technician registration.
4. On or about March 17, 2020, the Board sent Respondent an email requesting proof of Respondent's continuing education hours earned for the renewal period ending October 31, 2019 by a specified date.

5. On or about April 6, 2020, the Board sent a second request to Respondent's email address of record for this information.

6. On or about April 22, 2020, the Board sent a final request to Respondent's email address of record for this information no later than April 27, 2020.

7. On April 29, 2020, the Board issued Respondent a Summary Order revoking Respondent's pharmacy technician registration for failure to respond to the Board's requests.

8. On May 4, 2020, Respondent responded to the Board requests indicating he had no additional hours than that shown in his NABP CPE Monitor.

#### CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 65-1663(f)(1), 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. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

11. Pursuant to K.A.R. 68-5-18, 20 hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period, which must be obtained in the two-year registration period ending on the October 31 expiration date of each registration.

12. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent has failed to furnish to the Board, its investigators or its representatives any information legally requested by the Board.

13. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the

Pharmacy Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

14. Respondent was required to provide proof of completion of 20 hours of continuing education earned between November 1, 2017 and October 31, 2019.

15. Respondent's repeated failure to supply the Board with the requested documentation by the deadline regarding proof of continuing education is a violation of K.S.A. 65-1627(a)(15).

16. By only providing proof of completion of 9 hours of continuing education after issuance of the Summary Order, Respondent failed to complete the required 20 hours of continuing education for renewal of Respondent's pharmacy technician registration.

17. The role of the Board is to protect the citizens of Kansas. The Board regards the failure to comply with the continuing education requirements as a serious issue. Given the number of home-study, web-based, and live programs available, achieving the hours required each biennial renewal period cannot be viewed as a burden. Without continued investment in pharmacy education, the vision of quality pharmacy providers in Kansas will not be met. In order to provide safe, effective, and high quality healthcare for Kansas patients, the practice of pharmacy requires lifelong improvement and education.

### **ORDER**

Based on the foregoing findings of fact and conclusions of law, the Board orders the following:

For Respondent's violation of K.S.A. 65-1627(a)(15), a fine is assessed in the amount of \$100. For Respondent's violation of K.S.A. 65-1627(a)(9) and K.A.R. 68-5-18, a fine is assessed in the amount of \$100. **Therefore, Respondent shall submit a check or money order in the total amount of \$200 to the Board by July 1, 2020.**

Furthermore, an additional two hours of ACPE-approved continuing education will be required for each hour of missing or falsified continuing education. Respondent shall provide proof

of completion to the Board by registering for the NABP CPE Monitor and reporting these hours through the NABP CPE Monitor. Completion of these hours shall not count toward Respondent's next continuing education renewal requirement. **Respondent shall complete 22 hours of additional ACPE-approved continuing education by July 1, 2020.**

#### 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

2. If a hearing is not requested as described above, the Amended Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.


3. Within 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 K.S.A. 77-613. 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.

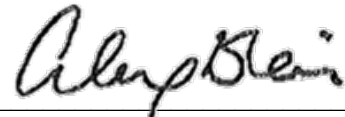
May 4, 2020  
Date

  
Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on May 4, 2020, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

KYLE SWOGER  
3237 GILLHAM RD  
KANSAS CITY MO 64109

  
Kansas Board of Pharmacy Staff