

Filed

MAY 18 2009

KANSAS STATE
Board of Pharmacy

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
JONATHAN DAVID MILLER, PHARM. D.,)
Kansas License No. 1-14415)

Case No. 08-153

EMERGENCY AGENCY ORDER

Jonathan David Miller, Pharm. D. (the “Respondent”) is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued him License No. 1-14415.

The Board’s Investigation Member has found probable cause to conclude that the Respondent has illegally obtained controlled substances from his employer and consumed controlled substances for which he did not have a valid prescription. The Board’s Investigation Member has also found probable cause to conclude that the Respondent has driven a vehicle and worked as a pharmacist while under the influence of controlled substances. The Board’s Investigation Member has also found probable cause to conclude that the Respondent has failed to comply with the terms of a Consent Order he agreed to on December 15, 2008, which required him enter into an evaluation and treatment program as directed by the Kansas Pharmacy Impaired Provider Program and to fully cooperate with the recommendations and requirements of the persons managing or implementing the Kansas Pharmacy Impaired Provider Program.

After considering the foregoing, the Board’s Investigation Member, in accordance with the authority granted to her by the Board, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-14415, which entitled him to practice pharmacy in the State of Kansas ("Respondent's License").
2. The Respondent has diverted controlled substances from a pharmacy employer.
3. The Respondent has take controlled substances for which he did not have a valid prescription.
4. The Respondent has driven a vehicle and worked as a pharmacist while under the influence of controlled substance for which he did not have a valid prescription.
5. The Respondent has failed to comply with the terms of a Consent Order he agreed to on December 15, 2008, which required him enter into an evaluation and treatment program as directed by the Kansas Pharmacy Impaired Provider Program and to fully cooperate with the recommendations and requirements of the persons managing or implementing the Kansas Pharmacy Impaired Provider Program.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent

or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627 (a)(3), (4), (5) and (13).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Room 513
Topeka, KS 66612

IT IS SO ORDERED.

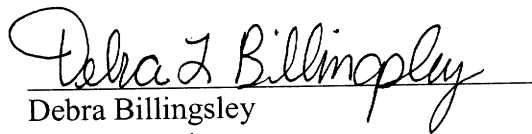
5/11/09
Date

Shirley T. Arck
Dr. Shirley T. Arck
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18 day of May, 2009, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Jonathan David Miller, Pharm. D.
12430 W. 119th Terr., Apt 814
Overland Park, KS 66213


Debra Billingsley
Executive Director
Kansas Board of Pharmacy