

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
MICHELLE L. CABRERA)

Case No. 14-108

Filed By
MAR 16 2015
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER OF DENIAL

NOW on this 20th day of October, 2014, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the application of Michelle L. Cabrera (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 Procedures Act, K.S.A. 77-501, *et seq.*, the Board's Investigation Member enters this Summary Order in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Investigation Member makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On September 30, 2014 the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas (the "Application").
2. The Application and a KBI Criminal Background Check revealed that Applicant has been convicted of three (3) misdemeanors and three (3) felonies. The felonies include convictions on charges of forgery, identity theft and a third driving under the influence.
3. The Applicant has not submitted substantive evidence of rehabilitation other than her own statements.

CONCLUSIONS OF LAW

4. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, (the "Act").

5. 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.

6. The Board may, pursuant to K.S.A. 65-1627(a)(2), refuse to license a pharmacist if that person has been convicted of a felony and fails to show that he or she has been sufficiently rehabilitated to warrant the public trust.

7. The Applicant's felony convictions are a basis to deny Applicant's Application pursuant to the Act. The Applicant has not shown that she is sufficiently rehabilitated to warrant the public trust.

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Application is hereby DENIED.

NOTICES

The Applicant is hereby notified as follows:

8. The Applicant may request a hearing pursuant to the Kansas State Administrative Procedures 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.

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


10. 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.

11. 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:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

10-28-14
Date

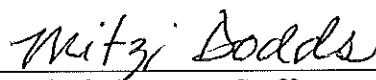

Michael Lonergan, R.Ph., Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing SUMMARY ORDER OF DENIAL was served by depositing same in the United States mail, postage prepaid, this 16th day of March, 2015, addressed to:

MICHELE L. CABRERA
13028 S. TRENTON ST.
OLATHE, KS 66062

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