

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Sylvia Chavez) Case No. 17-110
14-103191)
_____)

SUMMARY ORDER OF DENIAL

NOW on this 29 day of December, 2017, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Sylvia Chavez, (“Applicant”), for her application 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 Executive Secretary 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 Executive Secretary makes the following findings of fact:

1. On or about May 17, 2017, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on her application: Have you been charged with or convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in

any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

3. On May 24, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been arrested for “obstruct legal process” in 2005; arrested and convicted of misdemeanor domestic battery in 2008; arrested for “probable cause of warrant” in 2008; and arrested for failure to appear in 2012.

4. On June 14, 2017, the Board sent Applicant a letter requesting she submit a completed S-150 Form.

5. On November 13, 2017, the Board sent Applicant a second letter requesting she submit a completed S-150 Form.

6. Applicant has not responded to the Board’s requests for a completed S-150 Form.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny the granting of a license to an Applicant who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(2) the Board may deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude or gross

immorality or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(sss), unprofessional conduct means conduct likely to deceive or harm the public.

6. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an Applicant who has failed to furnish the board, its investigators or its representatives any information legally requested by the board;

7. Applicant's answer of "No" regarding her previous criminal history is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

8. Applicant's misdemeanor conviction for domestic battery and failure to show that she has been sufficiently rehabilitated to warrant the public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

9. Applicant's arrests for obstructing the legal process, domestic battery, and failure to appear are unprofessional conduct and bases to deny Applicant's Application pursuant to 65-1627(a)(3).

10. Applicant's failure to respond to the Board's request for a completed S-150 Form is a basis to deny Applicant's Application pursuant to 65-1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration 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.

12/29/17
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Sylvia Chavez
205 N. Thorpe St.
Kansas City, KS 66102

A handwritten signature in blue ink, appearing to read "Tamm Moore", is written above a horizontal line.

Kansas Board of Pharmacy Staff