

Filed By

JAN 29 2020

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 19-476

In the Matter of )  
 )  
Katherine Bergman )  
 )  
Registration No. 14-104311 )

**SUMMARY ORDER**

NOW, on this 29<sup>th</sup> day of January 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Katherine Bergman, ("Applicant"), for her renewal 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 in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

**FINDINGS OF FACT**

1. On or about October 14, 2019, the Board received information regarding an October 12, 2019 arrest of Applicant for driving under the influence of drugs or alcohol.
2. On October 17, 2019, the Board mailed Applicant a letter requesting a completed Personal History Form S-150 ("S-150") regarding the charge, as well as certified copies of the court pleadings from the case.
3. On October 31, 2019, the Board received Applicant's online renewal application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application"),

which included the requested S-150, but did not include any of the requested court documentation.

4. In her S-150, Applicant disclosed that she had been pulled over for not using her turn signal, and was then found via sobriety and breathalyzer tests to be under the legal limit for alcohol. However, upon questioning, Applicant did admit to having recently ingested THC, and was arrested for driving under the influence. Applicant's statement showed personal responsibility for her wrongdoing, noted her dedication to her pharmaceutical work, and detailed the incident to be isolated. Applicant noted her first court date regarding the incident would be November 13, 2019.

5. On November 20, 2019, the Board mailed Applicant a second letter requesting all relevant court documentation, and additionally requesting an update regarding the outcome of her November 13, 2019 court date.

6. On December 13, 2019, Applicant provided documentation of her court case status, which noted continuance of her case until December 9, 2019. Applicant disclosed that on her December 9, 2019 court date, she requested an application for diversion, to be completed after an alcohol evaluation. She noted her next court date would be January 6, 2020.

#### 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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(uuu)(7), unprofessional conduct means conduct likely to deceive, defraud, or harm the public.

4. Applicant's recent arrest for driving under the influence of THC and so placing the public at harm is unprofessional conduct, and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal of pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must maintain compliance with the terms of any diversion agreement which may be granted her by the court in relation to the DUI charge brought against her;
- If granted her as outlined above, Applicant must notify the Board of any change in diversion status within 10 days of the change;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES


Applicant is hereby notified as follows:

1. 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.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. 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.
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 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.

11/29/2020  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29<sup>th</sup> day of January 2020, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

KATHERINE BERGMAN  
1401 LAWRENCE AVE, #5  
LAWRENCE, KS 66049



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Kansas Board of Pharmacy Staff