

Filed By

MAR 13 2019

KANSAS STATE BOARD OF PHARMACY
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BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Dannette Cole)
14-107461)
_____)

Case No. 18-630

SUMMARY ORDER

NOW on this 13 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Dannette Cole, ("Applicant"), for his 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 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 August 27, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant answered "Yes" 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. Applicant disclosed that she pled guilty to driving under the influence of alcohol in 2016. Applicant stated that as a result of her guilty plea, she maintains SR-22 insurance, attended a victim impact panel, lost her driver's license for 60 days, and served 40 hours in jail. Applicant's court requirements will not be complete until September 2019.

4. Applicant provided no letters of recommendation with her application.

5. On or about January 31, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant. During the phone interview, Applicant demonstrated responsibility and embarrassment over the violation.

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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any misdemeanor involving moral turpitude and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Applicant's misdemeanor conviction is a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as her court requirements will not be

complete until September 2019 and therefore, she is unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

4. 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.

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

6. Applicant's previous DUI conviction is unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

7. Although Applicant's arrest report does not indicate a long history with law enforcement, upon interview, Applicant's self-reported behavior and environment places her at a high risk for reoffending, and is a basis to place Applicant's registration in a probationary status due to the potential danger to the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance 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 successfully complete her court-ordered requirements;
- Applicant must notify the Board of any change in the status of her court ordered requirements, including completion of the requirements or failure to meet the requirements, 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

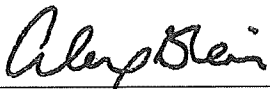
Applicant is hereby notified as follows:

8. 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.
9. 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.
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

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

3/13/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13 day of March, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Dannette Cole
8931 N Mersington Avenue
Kansas City, MO 64156



Kansas Board of Pharmacy Staff