

Filed By

FEB 13 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Taysia Dilley)
)
_____)

Case No. 18-634

SUMMARY ORDER OF DENIAL

NOW on this B day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Taysia Dilley, ("Applicant"), for application for a Kansas pharmacy technician registration.

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 September 4, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application, she answered "Yes" to the question: "Have you ever been 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 attached a Personal History Form S-150, disclosing a 2016 felony aggravated battery conviction and a 2016 misdemeanor child endangerment conviction.

4. On or about September 21, 2018, the Board mailed Applicant a letter requesting certified court documents from her 2016 convictions.

5. On October 18, 2018, the Board received the requested court documents.

6. On or about January 19, 2019, the Board’s Individual License Evaluator conducted a phone interview with Applicant. The Individual License Evaluator learned from Applicant that the victim in the incident was a one-year old child at Applicant’s previous employer, a day-care. During the phone interview, Applicant displayed a significant lack of remorse, lack of empathy for the victim, and lack of understanding of the nature and seriousness of the conduct.

CONCLUSIONS OF LAW

7. 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.

8. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application of any pharmacist upon a finding that the licensee 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.

9. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist upon a finding that the licensee is found by the Board to be guilty of unprofessional conduct.

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

11. Applicant's previous conviction for felony aggravated battery and her 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).

12. Applicant's previous conviction for endangering a child (a misdemeanor involving moral turpitude), and her 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).

13. Applicant's previous convictions for felony aggravated battery and misdemeanor endangering a child are unprofessional conduct, particularly in the course of her employment. Applicant's previous misbehavior in the course of her employment creates the danger of misbehavior at future employment, which is a particular danger to the public in the pharmacy setting. Such unprofessional conduct is basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

ORDER

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

NOTICES

Applicant is hereby notified as follows:

14. 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.

15. 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.

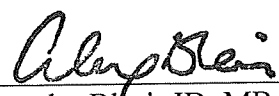
16. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

17. 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.

2/13/19
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 February, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Taysia Dilley
1300 E 152nd St
Olathe, KS 66062



Kansas Board of Pharmacy Staff