

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
 Kierra Johnson)
 _____)

Case No. 16-175

SUMMARY ORDER OF DENIAL

NOW on this 14th day of April, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kierra Johnson, ("Applicant"), for application for a Kansas pharmacy technician application.

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 Investigative Member makes the following findings of fact:

1. On September 14, 2016, 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.” The application form directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History.

3. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about September 25, 2009, Applicant was arrested for making threats against a Federal Protectee.

4. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about May 5, 2010, Applicant was arrested for making threats against a Federal Protectee. Applicant was sentenced to 12 months probation.

5. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about February 19, 2012, Applicant was arrested for possession of marijuana. The charge was amended down to disorderly conduct and payment of a fine.

6. The background report provided to the Board by the Kansas Bureau of Investigation reports that on April 19, 2014, Applicant was arrested for driving while suspended and felony resisting arrest / threatening death or injury. The felony charge resulted in a conviction with a suspended prison sentence of four years.

7. On September 29, 2016, the Board mailed a request for the completion of an S-150 Personal History Form.

8. On January 4, 2017, the Board sent a final request for submission of an S-150 Personal History Form. The final notice listed a final submission date of February 3, 2017.

9. To date, the Board has not received a completed S-150 Personal History form from Applicant or any correspondence.

CONCLUSIONS OF LAW

10. 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.
11. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.
12. That pursuant to 65-1627(a)(3), the Board may deny licensure to an applicant if the licensee is found by the board to be guilty of unprofessional conduct.
13. That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct is defined as conduct likely to deceive, defraud or harm the public.
14. That pursuant to K.S.A. 65-1627(a)(5), the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.
15. That pursuant to K.S.A. 65-1627(a)(15), the Board may deny the granting of a license to a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.
16. Applicant's various felony and misdemeanor arrests involving conduct likely to deceive or harm the public and lack of explanation or evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2), K.S.A. 65-1627(a)(3), and K.S.A. 65-1627(a)(5).

17. Applicant's failure to provide the Board with legally requested information concerning applicant's felony arrest via the S-150 Personal History form is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

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:

18. 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.

19. 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.

20. 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.

21. 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.

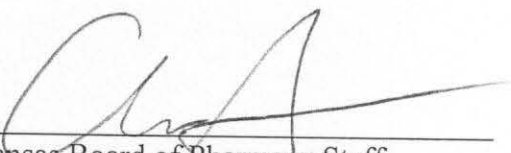
4/14/17
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14 day of April, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kierra Johnson
11315 Grandview Rd, Apt 316
Kansas City, MO 64137



Kansas Board of Pharmacy Staff