

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JAN 06 2017
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Simone Kirkwood)
)
_____)

Case No. 16-131

SUMMARY ORDER OF DENIAL

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Simone Kirkwood (the "Applicant") 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 July 11, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas.
2. As part of Applicant's Application she answered "Yes" to the question: "Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?" The application form directs that if the applicant

answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. Applicant disclosed in her written application statement that she previously received several traffic related charges and arrests. She did not disclose any drug related offenses on her application.

4. The background report provided to the Board by the Kansas Bureau of Investigation (“KBI”) indicated that on or about February 29, 2002, Applicant was charged with stealing a motor vehicle and on June 11, 2004, Applicant was charged with tampering with a motor vehicle-airplane. Both offenses are felonies.

5. While Applicant did disclose some criminal charges, Applicant failed to report the entire offense history to the Board.

6. As part of Applicant’s Application, she certified that the information provided was true, correct and complete and that she understood that withholding relevant information was grounds for denying an application.

7. On July 12 and November 4, 2016, a representative of the Board emailed Applicant, indicating the results of Applicant’s criminal history report and requesting Applicant provide additional court documentation concerning her stealing and tampering charges on February 29, 2002 and June 11, 2004, respectively. To date, Applicant has not provided the Board with the requested documentation.

CONCLUSIONS OF LAW

8. 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.

9. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

10. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

11. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

12. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist “has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

13. Applicant’s failure to disclose her complete offense history is an attempt to obtain a registration by fraud and is a basis to deny Applicant’s Application.

14. Applicant’s failure to respond to the Board’s request for documentation regarding Applicant’s criminal offense history is a basis to deny Applicant’s Application.

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:

15. 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.

16. 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.


17. 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.

18. 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.

1/6/17
Date

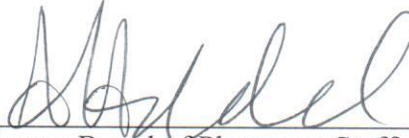


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Simone Kirkwood
2208 NE Towne Centre Blvd., #104
Lees Summit, MO 64064



Kansas Board of Pharmacy Staff