

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Melissa Liby)
14-103675)
_____)

Case No. 17-175

SUMMARY ORDER OF DENIAL

NOW on this 6 day of September, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Melissa Liby, ("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 July 24, 2017, 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 did not answer 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. The background report provided to the Board by the Kansas Bureau of Investigation (“KBI”) reports the following offenses:

- a. 1993 Giving a Worthless Check Conviction (30 days’ Imprisonment)
- b. 1997 Giving a Worthless Check Conviction (Six-Months’ Imprisonment)
- c. 2013 Criminal Use of a Financial Card Conviction (12-Months’ Probation)
- d. 2015 Criminal Use of a Financial Card

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. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a licensee who fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(sss), unprofessional conduct means conduct likely to deceive or ham the public.

5. Applicant’s consistent arrest record involving fraudulent use of financial instruments is a source of significant concern as to what could potentially result from Applicant having access to patient and consumer insurance and payment method information.

6. Applicant's multiple arrests for fraudulent acts, and lack of evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and 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:

7. 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.

8. 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.

9. 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.

10. 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

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IT IS SO ORDERED.

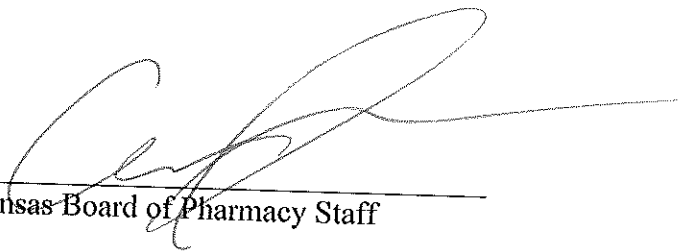
9/6/17
Date

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

CERTIFICATE OF SERVICE

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

Melissa Liby
7904 Haskins
Lenexa, KS 66215



Kansas Board of Pharmacy Staff