

November 23, 2021

Manuel Avila-Juarez
303 Evans St
Garden City KS 67846

RE: Case No. 21-236

Dear Mr. Avila-Juarez:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Manuel Avila-Juarez)
)
Registration No. 24-110314)

Case No. 21-236

SUMMARY ORDER OF DENIAL

NOW on this 23rd day of November, 2021 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Manuel Avila-Juarez (“Applicant”), for renewal of Respondent’s pharmacy technician registration number 24-110314.

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 investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board originally issued Respondent Registration No. 24-110314 on August 19, 2019, which entitles Respondent to operate as a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On October 31, 2021, the Board received Respondent’s application for renewal of Respondent’s pharmacy technician registration in the State of Kansas (“Respondent’s Renewal Application”).
3. As part of the application, Respondent answered “No” to the question: “Have you passed a pharmacy technician certification exam.” The application directs that if the applicant

answers yes, the applicant must indicate the organization the certification was received from and upload a copy of the certificate.

4. On November 1, 2021, the Board sent an email to Respondent's address of record requesting proof of completion of a national certification examination.

5. To date, the Board has not received proof of completion of a national certification examination.

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)(8), the Board may take action against the license of a pharmacist if the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.

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

4. That pursuant to K.S.A. 65-1663(a) and (k), every pharmacy technician registered after July 1, 2017 shall be required to pass a certified pharmacy technician examination approved by the Board within the period or periods of time specified by the Board after becoming registered.

5. That pursuant to K.A.R. 68-5-17, each pharmacy technician shall be required to pass either the Pharmacy Technician Certification Board (PTCB) certification examination or the

National Healthcareer Association (NHA) ExCPT certification examination before the first renewal of the pharmacy technician's registration.

6. Respondent's Registration was issued on August 19, 2019. Therefore, Respondent was registered after July 1, 2017 and required to pass a Board-approved certification examination prior to renewal.

7. Respondent's Renewal Application was received by the Board but Respondent failed to provide proof of passage of a Board-approved certification examination.

8. Respondent's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Respondent's Application.

9. Respondent's failure to submit proof of completion of a Board-approved certification examination prior to renewal is a violation of K.S.A. 65-1663 and K.A.R. 68-5-17, and is a basis to deny Respondent's Application pursuant to K.S.A. 65-1627(a)(8).

ORDER

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

NOTICES

The Applicant is hereby notified as follows:

1. The 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.

2. 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.

3. 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.

4. 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

11/23/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 23rd day of November, 2021 deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Manuel Avila-Juarez
303 Evans St
Garden City KS 67846



Kansas Board of Pharmacy Staff