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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 9, 2021

Coleen Berscheidt
925 Witch Hollow St
Gardner KS 66030

RE: Case No. 21-055

Dear Ms. Berscheidt:

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

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

Filed By

JUL 9 2021

KANSAS STATE
BOARD OF PHARMACY

Case No. 21-055

In the Matter of

Coleen Berscheidt

FINAL ORDER

Decision

The Kansas Board of Pharmacy (Board) has carefully considered the evidence presented and reviewed the applicable statutes, regulations and policies, and hereby denies the application for a pharmacy technician registration number to be issued to Coleen Berscheidt (Berscheidt).

Statement of Case

This matter comes on for hearing on this the 2nd day of June 2021, before the Board upon the request by the investigative member of the Board that Berscheidt's application received by the Board on or about December 23, 2020 be presented to the entire Board for consideration.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Andrew Truong, PharmD (by video conference); and, Erick Axcell, PharmD.¹

Brenda Head appeared as the Board's disciplinary counsel.

Berscheidt appeared in person by video conference and *pro se*.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

¹ Terica Gatewood abstained from the deliberations and decision. Lucinda Noches Talbert arrived after the hearing had commenced and abstained from the deliberations and decision.

Evidentiary Rulings

The Board offered Exhibits 1 through 7 for admission as evidence. Berscheidt had no objection to admission of Exhibits 1 through 7. The Board's Exhibits 1 through 7 were admitted.

Findings of Fact

1. On February 6, 2018 the Board received a Registration Application from Berscheidt seeking a Pharmacy Technician registration number permitting Berscheidt to operate as a pharmacy technician in the State of Kansas. (Exhibit 1) On the application, Berscheidt was asked if she had been convicted of a criminal offense or is there a criminal charge now pending against you in any state or federal court whether or not a sentence was imposed, suspended, or diverted. Berscheidt responded by marking "Yes." Berscheidt did not submit a Form S-150: Personal History, as required.

2. On February 6, 2018 the Board sent a letter to Berscheidt requesting that Berscheidt submit a completed Form S-150: Personal History since she had answered yes to a personal history question. (Exhibit 2) The Board requested a detailed statement concerning the criminal proceedings Berscheidt had indicated she was involved in.

3. On or about February 12, 2018 Berscheidt submitted a Form S-150 describing events surrounding a theft incident that occurred on or about January 16, 2016.

4. On April 6, 2018 the Board sent a letter to Berscheidt requesting additional information. (Exhibit 3) Specifically, the Board requested certified copies of court pleadings from Berscheidt's criminal case. The Board also requested "a written statement explaining why [Berscheidt] should be licensed." It was also suggested Berscheidt could submit other documentation that might assist the Board in reviewing her application.

5. On or about May 4, 2018 Berscheidt submitted additional documentation to the

Board in response to the request.

6. On September 4, 2018 the Board sent a letter to Berscheidt requesting certified copies of court pleadings from the case or a letter from the clerk of the court explaining no records were available. (Exhibit 4)

7. On September 27, 2018 the Board received the requested documentation from Berscheidt.

8. Upon reviewing Berscheidt's application on March 6, 2019, the Board concluded Berscheidt's statement regarding her criminal offense "was not very detailed" so a more detailed explanation was requested to be provided to the Board by March 21, 2019.

9. On April 15, 2019, having not received the requested detailed explanation, the Board issued a Summary Order of Denial, denying Berscheidt's application for a Pharmacy Technician registration number. (Exhibit 5)

10. On December 23, 2020 the Board received a Registration Application from Berscheidt seeking a Pharmacy Technician registration number permitting Berscheidt to operate as a pharmacy technician in the State of Kansas. (Exhibit 6) On the application, Berscheidt was asked if she had been convicted of a criminal offense or is there a criminal charge now pending against you in any state or federal court whether or not a sentence was imposed, suspended, or diverted. Berscheidt responded by marking "No."

11. Berscheidt acknowledged she had been convicted and that she had answered "No" on the application in response to the question if she had ever been convicted. Berscheidt stated she called "Olathe" and it was suggested she answer no.

12. Berscheidt stated she had submitted the court documents with the initial application and was unsure what else she needed to get.

Applicable Statutes, Regulations and Policies

"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." K.S.A. 65-1663(f)(1).

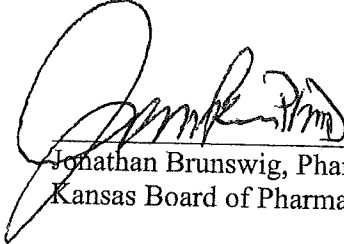
"The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board." K.S.A. 65-1627(a).

Decision

The Board considered that Berscheidt had answered a question on the pharmacy technician registration application falsely.

The Board voted 6-0 to deny Berscheidt's application for a pharmacy technician registration number.

7-9-21
Date


Jonathan Brunswig, PharmD, President
Kansas Board of Pharmacy

NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

Certificate of Service

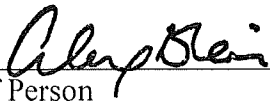
On July 9, 2021, I certify that a copy of the foregoing was placed in business mail, to be placed in the United States first class mail, postage prepaid, addressed to:

Coleen Berscheidt
925 Witch Hollow St.
Gardner, KS 66030

Brenda Head
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy