

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 21-026

Drionna Carouthers

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 approves the application for a pharmacy technician registration number to be issued to Drionna Carouthers (Carouthers), upon the terms and conditions set forth hereinbelow.

Statement of Case

This matter comes on for hearing on this the 1st day of April 2021, before the Board upon the request by Carouthers for an administrative hearing after the issuance of Summary Order of Denial by the Kansas Board of Pharmacy on February 18, 2021.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph; Tiffany Strohmeyer, PharmD; Terica Gatewood, PharmD; Andrew Truong, PharmD; Erick Axcell, PharmD; and, Cheri Pugh, Public Member.

Brenda Head appeared as the Board's disciplinary counsel.

Carouthers appeared in person by video conference and *pro se*. Carl Black appeared with and on behalf of Carouthers.

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

Evidentiary Rulings

The Board offered Exhibits 1 through 10 for admission as evidence. Carouthers had no objection to admission of Exhibits 1 through 10. Board's Exhibits 1 through 10 were admitted.

Carouthers offered eight (8) pages of documents. Pages 1 through 3 were admitted. Pages 4 through 8 were denied as duplicative.

Findings of Fact

1. On September 25, 2020, the Board received a Registration Application from Carouthers seeking a Pharmacy Technician registration number permitting Carouthers to operate as a pharmacy technician in the State of Kansas. (Exhibit 1) On the application, Carouthers 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. Carouthers responded by marking "No."

2. The Board conducted a criminal background check on Carouthers and learned of a 2014 criminal charge against Carouthers for possession of marijuana.

3. On October 7, 2020, the Board sent a letter to Carouthers' email address of record requesting additional information based upon Carouthers' criminal history. Carouthers was asked to complete and submit a Form S-150 and to include certified copies of court documents related to her criminal case.

4. Carouthers did not respond to the Board's request.

5. On or about November 24, 2020, the Board sent a second letter to Carouthers' email address of record again requesting additional information based upon Carouthers' criminal history.

6. Carouthers did not respond to the Board's request.

7. On December 28, 2020, the Board sent a Final Notice to Carouthers requesting Carouthers to complete and submit a Form S-150 and to include certified copies of court documents related to her criminal case.

8. On December 29, 2020, Carouthers submitted a two-page court summary of the 2014 criminal charge. Carouthers did not provide the Form S-150 or any further supporting documentation.

9. As of February 18, 2021, the Board had not received the requested documentation from Carouthers.

10. On February 18, 2021, the Board issued a Summary Order of Denial, denying Carouthers' application for a pharmacy technician registration due to Carouthers' failure to submit the requested documentation.

11. On or after March 4, 2021, the Board received a completed Form S-150 and the two-page court summary regarding the 2014 criminal charges.

12. On March 8, 2021, the Board received an email from Carouthers requesting a hearing regarding the Summary Order of Denial.

13. Carouthers testified before the Board regarding the failure to submit the requested documentation.

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: (8) 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; or (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 Carouthers had responded incorrectly on her application and failed to submit the requested documentation regarding her criminal history. The Board also considered that Carouthers had failed on multiple occasions to respond to the requests for information sent by the Board.

The Board concluded the criminal charges were from five (5) years prior and the matter was not formally prosecuted. It was also noted that Carouthers had not had any other incidents or issues since the matter in 2014.

The Board voted 7-0 to approve Carouthers' application for a pharmacy technician registration number. Approval was granted subject to Carouthers being assessed a disciplinary fine of \$200 for failing to respond to a request of the Board.

4-1-21

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 April 13, 2021, I certify that a copy of the foregoing was placed in building mail, to be deposited in the United States first class mail, postage prepaid, addressed to:

Drionna Carouthers
5930 E. 40th Terr.
Kansas City, MO 64129

Brenda Head
Frieden, Unrein & 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