

Filed By
FEB 16 2018
KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Kendra Davis)
)
14-104194)

Case No. 17-207

SUMMARY ORDER OF DENIAL

NOW on this 16 day of February, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kendra Davis, ("Applicant"), for her application 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 October 2, 2017, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant answered "No" to the following question on her application: Have you been charged with or 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. On October 5, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had a previous criminal history including the following: a 2010 arrest for driving while license cancelled/suspended/revoked; a 2010 conviction for driving without liability insurance; a 2011 felony arrest for driving while license cancelled suspended/revoked; a 2012 arrest for driving while a habitual violator, improper child passenger safety, unlawful vehicle registration, and driving without insurance; and a 2017 arrest for contempt of court and failure to appear.

4. On or about October 20, 2017, the Board sent Applicant a letter requesting she submit a completed S-150 Form.

5. On November 29, 2017, the Board received a Form S-150 from Applicant stating she did not have any felony charges and that another person with the same name had the felony charges.

6. The Board was unable to verify Applicant’s statement that she did not have any felony charges.

7. On December 20, the Board sent Applicant a second letter requesting she submit a completed S-150 Form.

8. Applicant did not provide the Board with any additional explanation or documentation.

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. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny the granting of a license to an Applicant who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

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 harm the public.

5. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an Applicant who has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

6. Applicant's answer of "No" regarding her previous criminal history is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's multiple arrests and felony charges for driving while suspended and without insurance represent a pattern and practice of unprofessional conduct and are bases to deny Applicant's Application pursuant to 65-1627(a)(3).

8. Applicant's failure to respond to the Board's request for a more detailed explanation of these events is a basis to deny Applicant's Application pursuant to 65-1627(a)(15).

9. Applicant's repeated disregard for the law poses a danger to the public in the pharmacy setting, and is a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

10. 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.

11. 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.

12. 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.

13. 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.

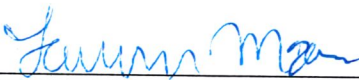
2/14/18
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 16 day of February, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kendra Davis
1430 N. Lorraine
Wichita, KS 67214



Kansas Board of Pharmacy Staff