

Filed By  
NOV 22 2019  
KANSAS STATE  
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
Gabriel Dattenney de Souza )  
Registration No. 14-101425 )

Case No. 19-477

**SUMMARY ORDER**

NOW, on this 22<sup>nd</sup> day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Gabriel Dattenney de Souza, ("Respondent").

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 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**

1. The Board has previously issued Respondent Registration No. 14-101425, which entitles Respondent to function as a pharmacy technician in the state of Kansas.
2. On or about October 11, 2019, the Board received information regarding a misdemeanor DUI charge.
3. On October 17, 2019, the Board mailed Respondent a letter requesting a thorough Personal History Form S-150, as well as certified copies of the court pleadings from the case.
4. On November 13, 2019, the Board received the requested documents from Respondent.

5. Respondent's personal statement showed maturity, noting personal responsibility for his wrongdoing and recognizing the potential harm he could have caused. Respondent included a professional reference along with his personal statement. Respondent's court documents detailed that he is serving diversion for the DUI charge until October 10, 2020, during the first 90 days of which, he is to complete 20 hours of community service.

#### 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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee 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 place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

5. Respondent's DUI diversion is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as he has just begun his diversion and is therefore unable to show that he has been sufficiently rehabilitated to warrant the public trust at this time.

6. Respondent's choices that invited the DUI charge are unprofessional conduct and a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's pharmacy technician registration is hereby subject to a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of his court diversion;
- Respondent must notify the Board of any change in his court diversion status within 10 days of the change;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of his pharmacy technician registration;
- Respondent must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of his probationary status to the Board; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

### NOTICES

Respondent is hereby notified as follows:

1. Respondent 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, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

Date

11/22/19

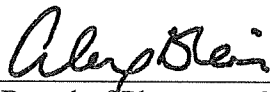


Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22<sup>nd</sup> day of November, 2019, 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:

Gabriel DeSouza  
6432 Hagan St, Apt 908  
Shawnee KS 66216

  
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Kansas Board of Pharmacy Staff