

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Christina DeVault)
14-104693)

Case No. 18-014

SUMMARY ORDER OF DENIAL

NOW on this 30 day of May, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Christina DeVault, (“Applicant”), for application for a Kansas pharmacy technician registration.

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 December 26, 2017, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of Applicant’s Application she answered “No” to the following question: “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. Additional application materials indicated Applicant had the following previous offenses: a 2009 driving without insurance offense; 2015 failure to appear offenses; a 2015 domestic battery offense; and a 2015 driving under the influence of alcohol or drugs offense.

4. On January 12, 2018, the Board sent a letter to Applicant requesting submission of a Form S-150 to explain the Applicant’s additional offenses.

5. On March 1, 2018, the Board sent a second letter to Applicant requesting submission of a Form S-150 to explain the Applicant’s additional offenses.

6. On April 6, 2018, the Board sent a final letter to Applicant requesting submission of a Form S-150 to explain the Applicant’s additional offenses.

7. To date, the Board has not received a completed S-150 Personal History form from Applicant or any correspondence.

CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(1), the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

10. 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.

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

12. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny the granting of a license to a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

13. Applicant's failure to disclose 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).

14. Applicant's various misdemeanor offenses are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

15. Applicant's failure to provide the Board with legally requested information concerning applicant's previous criminal history via the S-150 Personal History form is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

ORDER

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

NOTICES

Applicant is hereby notified as follows:

16. 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.

17. 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.

18. 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.

19. 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.

5/30/16
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30 day of May, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Christina DeVault
8434 Maurer Rd. Apt. 1327
Lenexa, KS 66219



Kansas Board of Pharmacy Staff