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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 12, 2019

Jazzmyn Embray
315 S Clifton
Wichita KS 67218

RE: Case No. 18-789

Dear Ms. Embray:

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

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

Filed By

JUL 12 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 18-789

In the Matter of)
)
Jazzmyn Embray)
)
Applicant)

SUMMARY ORDER

NOW on this 12th day of July, 2019 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Jazzmyn Embray ("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 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. On December 3, 2018, 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. As part of Applicant's Application, Applicant certified that the information provided was true, correct and complete, and understood that falsification of the information provided was grounds for denying Applicant's Application.

4. The Board received information regarding a February 15, 2018 conviction for possession of certain hallucinogenic drugs.

5. On December 13, 2018, the Board mailed Applicant a letter requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from the case.

6. On January 14, 2019, upon her request, the Board granted Applicant additional time to provide the requested documentation.

7. On February 15, 2019, the Board received the requested documentation. The court documents indicated Applicant was arrested on December 6, 2017 for possession of marijuana and drug paraphernalia. This arrest was the charge disposed of on February 15, 2018 as a conviction for possession of certain hallucinogenic drugs. Additionally, Applicant provided a copy of her Certified Nurse Aid (CNA) registration. Applicant included no letters of recommendation or character references with her personal statement. Applicant stated that she completed six hours of a court-ordered drug class; however, Applicant provided no certification of completion.

8. Applicant's personal statement explained the circumstances around the arrest and Applicant contended that the marijuana at issue in the arrest did not belong to her. Additionally, Applicant stated that she did not understand the criminal history question on the application and that she did not know the conviction would be on her background check.

9. On or about June 19, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant. During the phone interview, Applicant stated she was riding with a friend who had a suspended license and was pulled over for not staying in the lane. This traffic stop resulted in the police finding one gram of marijuana and paraphernalia in the car. The Board's Individual License Evaluator was unable to complete the phone interview as the call was interrupted and attempts to reach Applicant again were unsuccessful.

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 an application of any pharmacist who 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.

3. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application 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.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(tt), unprofessional conduct means conduct likely to deceive or harm the public, and/or fraud in securing a registration.

6. Applicant's false response to the application question was 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 misdemeanor conviction for possession of certain hallucinogenic drugs is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2), as she did not complete her phone interview with the Board's Individual License Evaluator, provide any letters of recommendation, or provide proof of rehabilitation. Therefore, she did not show that she has been sufficiently rehabilitated to warrant the public trust at this time.

8. Applicant's conviction for possession of a hallucinogenic drug is unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

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:

1. 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.

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.

7/12/19

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12th day of July, 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:

Jazzmyn Embray
315 S Clifton
Wichita, KS 67218



Kansas Board of Pharmacy Staff