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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

August 5, 2021

ARIANA HERNANDEZ  
316 N 13<sup>th</sup> ST  
KANSAS CITY, KS 66102

RE: Case No. 21-132

Dear Ms. Hernandez:

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

AUG 5 2021

In the Matter of )  
Ariana Hernandez )  
Applicant )

Case No. 21-132 KANSAS STATE BOARD OF PHARMACY

**SUMMARY ORDER OF DENIAL**

NOW, on this 5th day of August 2021, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Ariana Hernandez ("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, the Board makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. On March 5, 2021, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of the application, Applicant answered "NO" to the question: *Have you ever been 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.* The application directs that if the applicant answers "YES", the applicant must attach a Form S-150: Personal History ("Form S-150").

3. On March 15, 2021, the Board received information regarding a 2006 arrest charge laid against Applicant for misdemeanor theft, for which a diversion was enacted.

4. On March 15, 2021, the Board sent a letter to Applicant's address of record requesting a completed Form S-150 detailing the incident, as well as certified copies of the court records from the case. Applicant did not respond to the Board's request.

5. On April 20, 2021, the Board sent a second letter to Applicant's address of record again requesting a completed Form S-150 detailing the theft incident, as well as certified copies of the court records from the case. Applicant did not respond to the Board's second request.

6. On July 8, 2021, the Board mailed a final letter to Applicant's address of record requesting, for the final time, a completed Form S-150 and the certified court records regarding the theft incident. Applicant did not respond to the Board's final request.

7. To date, the Board has received from Applicant neither a Form S-150 detailing the theft incident, nor any court documents, nor any correspondence.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may deny an application for issuance 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)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

3. Applicant's failure to supply the Board with the requested documentation concerning her theft charge is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application.

ORDER

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

NOTICES

The Applicant is hereby notified as follows:

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

IT IS SO ORDERED.

8/5/2021  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of August 2021, 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:

ARIANA HERNANDEZ  
316 N 13<sup>th</sup> ST  
KANSAS CITY, KS 66102



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Kansas Board of Pharmacy Staff