

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Kiara Hollins

Case No. 16-204

FINAL ORDER

Statement of Case

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) for review of the pharmacy technician application of Kiara Hollins ("Applicant").

The hearing in this matter was convened on April 6, 2017. Appearing for the Board were: President, John Worden PharmD; Vice President, Michael Lonergan R.Ph; and members, Robert Haneke, PharmD; James Garrelts, PharmD;, R.Ph.; David Schoech, R.Ph.; Chad Ullom, R.Ph.; and Cheri Pugh.

Kevin Fowler appeared as the Board's disciplinary counsel.

Applicant appeared in person.

Findings of Fact

1. On November 8, 2016, the Board received Applicant's application for registration as a pharmacy technician (application).
2. Applicant answered "No" to the following questions:

Have you ever been convicted of (includes pleas of guilty and 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. A background report provided to the Board by the Kansas Bureau of Investigation

("KBI") detailed several past citations against Applicant, including felony assault, felony forgery, felony possession of a controlled substance, and misdemeanor stealing.

4. On November 21, 2016, the Board requested Applicant submit a Form S-150 Personal History to explain the offenses detailed in the KBI report.
5. On or about December 19, 2016, Applicant submitted a Form S-150, wherein at no point acknowledging wrongdoing or offering any explanation for the answer "no" to having a prior criminal background on Applicant's Application.
6. On March 9, 2017, the Board issued a Notice of Administrative Proceeding to allow Applicant an opportunity to appear to provide evidence regarding her responses and the underlying matters giving rise to those responses.
7. Applicant testified that she was never charged with any of the offenses listed on the KBI report, which directly contradicted Applicant's statements in her S-150 indicating that she was arrested and charged with multiple misdemeanor and felony offenses. Applicant further testified that she answered "no" on her Application because she interpreted the question differently. Applicant provided no testimony concerning the nature of her criminal history or the events surrounding those activities, nor did Applicant attempt to demonstrate any type of rehabilitation from her past activities or behaviors.

Applicable Law
and
Discussion


1. 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. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.
3. That pursuant to K.S.A. 65-1627(a)(5), the Board may deny the granting of a license if the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.
4. That pursuant to K.S.A. 65-1627(a)(3) the Board may deny the granting of a license if the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;
5. That pursuant to K.S.A. 65-1626(ccc)(7) "Unprofessional conduct" means conduct likely to deceive, defraud or harm the public.
6. Applicant's failure to present sufficient evidence to demonstrate her rehabilitation and in consideration of her past and present behavior and testimony, the Board finds that Applicant has repeatedly demonstrated unprofessional conduct and presents a threat to public safety if allowed to become a pharmacy technician in the state of Kansas.
7. Based on the aforementioned facts and statements of law, Applicant's application for a pharmacy technician registration in the state of Kansas is **denied**.

IT IS SO ORDERED.

7/24/17
Date



Alexandra Blasi, JD, MBA
Kansas Board of Pharmacy

NOTICES

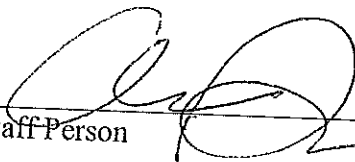
1. This is a Final Order, and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24 day of July, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Final Order, properly addressed to the following:

Kiara Hollins
2018 E 24th Terr.
Kansas City, MO 64127


Staff Person