

800 SW Jackson St., Suite 1414
Topeka, KS 66612



Phone: (785) 296-4056
Fax: (785) 296-8420
pharmacy@ks.gov
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 8, 2021

WENDY JOHNSTON
1010 INDUSTRIAL PARK DR, #21B
PAOLA, KS 66071

RE: Case No. 21-084

Dear Ms. Johnston:

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 8 2021

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 21-084

In the Matter of)
)
Wendy Johnston)
)
Applicant)

SUMMARY ORDER

NOW, on this 8th day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Wendy Johnston (“Applicant”), for application for 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 February 22, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

2. Applicant answered “YES” to the following questions on her application: *Have you ever had a felony or misdemeanor expunged from your record?* and *Have you ever been charge with or convicted of (includes plea of guilty or no contest) or charged with a violation of any federal or state drug law(s) or rule(s) whether or not a sentence was imposed, suspended, or diverted?* The application directs that if Applicant answers YES, they must include a Form S-150: Personal History Statement (“S-150”).

3. In her S-150, Applicant noted a 2001 diverted disorderly conduct charge, as well as a 2004 charge involving felony attempted possession of methamphetamines and possession of drug paraphernalia for which she served jail time and completed probation with drug treatment and a 12-step program. Applicant also included with her application a letter of recommendation which spoke highly of her professional character.

4. On or about February 25, 2021, the Board received a background report indicating that an additional charge was laid against Applicant in 2015 for a domestic battery offense.

5. Subsequently, the Board's Individual License Evaluator ("the Evaluator") conducted a phone interview with Applicant.

6. Applicant reported to the Evaluator that the 2015 battery charge had been dismissed. Applicant noted drug use beginning in high school, and later becoming part of the wrong crowd who suggested she "try meth." Applicant reported her last substance use took place in June 2016.

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)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

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

4. Applicant's past possession of methamphetamines and of drug paraphernalia are unprofessional conduct due to the relation to illicit drugs and the pharmacy setting and are bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). It should be noted that, although Applicant has shown a degree of rehabilitation through successful completion of the court-mandated drug treatment and 12-step program and personal growth, her history of possession and use of illicit drugs poses a danger to the public. Pharmacy technicians are in a pharmacy environment with a high degree of exposure and access to controlled medications and the opportunity for diversion coupled with Applicant's criminal offense history and substance use history pose a risk to the public.

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.

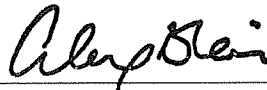
7/8/2021
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of July 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:

WENDY JOHNSTON
1010 INDUSTRIAL PARK DR, #21B
PAOLA, KS 66071



Kansas Board of Pharmacy Staff