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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 27, 2023

SHERYL KELLEY  
217 W ORANGE AVE.  
CANNEY KS 67333

RE: *In the Matter of Sheryl Kelley*  
Case No. 23-179

Dear Sheryl Kelley:

The Kansas State Board of Pharmacy has concluded its audit of continuing education for your recent renewal and determined that you are noncompliant. During the audit, the Board sent repeated requests for documentation to your mailing and email address of record and received no response. As a result, your pharmacy technician registration is being revoked. Please read the enclosed Summary Order in its entirety, which provides details about the violations and revocation that will be reported to the National Association of Boards of Pharmacy.

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 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 questions, please email [pharmacy.compliance@ks.gov](mailto:pharmacy.compliance@ks.gov) and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of	)	
	)	Case No. 23-179
Sheryl Kelley	)	
Registration No. 14-111680	)	
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**SUMMARY ORDER OF REVOCATION**

**NOW** on March 27, 2023, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of Sheryl Kelley (hereinafter referred to as "Respondent").

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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order of Revocation in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-111680 ("Respondent's Registration") to perform the functions of a pharmacy technician in the State of Kansas.
2. On or around 10/31/2022, Respondent submitted a renewal application for Respondent's Registration.
3. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours.
4. Respondent's NABP CPE Monitor showed completion of 9 hours of continuing education to renew Respondent's pharmacy technician registration.

5. On or about 1/30/2023, the Board sent Respondent a letter to Respondent's mailing address of record requesting proof of Respondent's continuing education hours earned for the renewal period ending October 31, 2022 by a specified date.

6. On or about February 27, 2023, the Board sent an email to Respondent's address of record requesting this information.

7. On or about March 6, 2023, the Board sent Respondent a final letter and email to Respondent's address of record requesting a response by March 13, 2023.

8. To date, the Board has not received any response from Respondent regarding the continuing education audit.

#### CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 65-1663(f)(1), 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.

10. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

11. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to furnish the board, its investigators or its representatives any information legally requested by the Board.

12. Pursuant to K.A.R. 68-5-18, 20 hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period, which must be obtained in the two-year registration period ending on the October 31 expiration date of each registration.

13. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the Pharmacy

Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

14. Respondent was required to provide proof of completion of 20 hours of continuing education earned between September 1, 2020 and October 31, 2022.

15. By only having 9 hours of continuing education, Respondent failed to complete the required 20 hours of continuing education for renewal of Respondent's pharmacy technician registration in violation of K.A.R. 68-5-18.

16. Respondent's failure to supply the Board with the requested documentation regarding proof of continuing education is a violation of K.S.A. 65-1627(a)(15) and a basis to revoke Respondent's Kansas pharmacy technician registration.

### **ORDER**

**Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.**

### **NOTICES**

Respondent is hereby notified as follows:

1. Respondent 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

2. If a hearing is not requested as described above, the Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. Within 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 K.S.A. 77-613. 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.

March 27, 2023

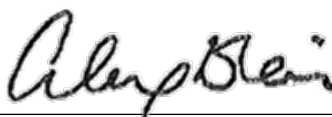
Date

  
Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on March 27, 2023, 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:

SHERYL KELLEY  
217 W ORANGE AVE.  
CANEY KS 67333

  
Kansas Board of Pharmacy Staff