

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
JESSICA MEI YI LEE)

Case No. 15-087

SUMMARY ORDER OF DENIAL

NOW on this 31st day of July, 2015, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the application of Jessica Mei Yi Lee (the "Applicant") for licensure as a Kansas pharmacist without examination.

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 Investigation Member enters this Summary Order of Denial 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

For purposes of this order, the Board's Investigative Member makes the following findings of fact:

1. On July 6, 2015, the Board received from the National Association of Boards of Pharmacy Applicant's application to transfer her California pharmacist license to the State of Kansas ("Applicant's Application") and thereby obtain a Kansas pharmacist's license without examination.

2. As part of the Applicant's Application she answered "No" to the question: "Has your pharmacy license in any jurisdiction been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or

other state authority.” On June 27, 2015, Applicant signed the portion of the Application swearing that she had read the quoted question and that the answer provided was complete, true and correct.

3. The Board has received information from the National Association of Boards of Pharmacy indicating that on July 15, 2013, the California Board of Pharmacy took disciplinary action against Applicant on various grounds including failure to comply with patient consultation requirements, allowing pharmacy technicians to perform tasks without proper supervision and failure to observe and correct an improper direction for use while verifying a prescription (“California Discipline”). The Board also received information that as part of the California Discipline, Applicant was ordered to pay an administrative fine in the amount of Two Thousand Dollars (\$2,000.00).

CONCLUSIONS OF LAW

4. Pursuant to K.S.A. 65-1631(d), the Board may deny an application for licensure without examination for any of the reasons for which a pharmacist may be disciplined as set forth in K.S.A. 65-1627(a)(1) through (a)(13).

5. Pursuant to K.S.A. 65-1627(a)(1), the Board may take disciplinary action against the license of a pharmacist for obtaining a license by fraudulent means.

6. Pursuant to K.S.A. 65-1627(a)(3), the Board may take disciplinary action against the license of a pharmacist if the pharmacist is found to be guilty of unprofessional conduct. K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

7. Pursuant to K.S.A. 65-1627(a)(12), the Board may take disciplinary action against the license of a pharmacist if that pharmacist's license has been disciplined by another state's licensing authority.

8. The Applicant's failure to disclose the California Discipline is an attempt to obtain a license/registration by fraud and is a basis to deny Applicant's Application. Likewise, the fact of California Discipline itself is 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:

9. The Applicant may request a hearing pursuant to the Kansas State 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.

10. If a hearing is not requested as described above, the Order denying Applicant's Application shall become a final agency order of the Board, effective upon the expiration of the time to request a hearing.

11. 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.

12. 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:

Matter of Jessica Mei Yi Lee, No. 15-087 (Kan. Bd. of Pharmacy)

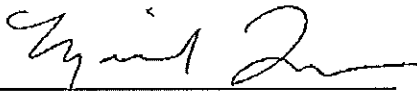
SUMMARY ORDER OF DENIAL

Page 3 of 5

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

7-30-15
Date




Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31st day of July, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing *Summary Order of Denial*, properly addressed to the following:

Jessica Mei Yi Lee
81 Towngate.
Irvine, CA 92620



Kansas Board of Pharmacy Staff