

February 18, 2021

Terri Messer  
206 N Osage St.  
Girard, KS 66743

RE: Case No. 21-018

Dear Ms. Messer:

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

In the Matter of )  
 )  
Terri Messer )  
 )  
Applicant )

Case No. 21-018

**SUMMARY ORDER OF DENIAL**

NOW on this 18th day of February, 2021 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Terri Messer (“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 investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. On September 3, 2020, 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 “Yes” to the question: “*Is there any disciplinary action pending against you by any licensing jurisdiction, the USDA, DEA, or any other federal or state drug enforcement authority;*” and 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.

3. The Board received information regarding the following criminal offenses:

Apr 2000:

- possession of simulated controlled substances or drug paraphernalia
- obstructing the legal process or official duty
- vehicle liability insurance coverage required

July 2000:

- driving under the influence
- transporting an open container

Nov 2005:

- driving while suspended

Feb 2012:

- vehicle liability insurance coverage required
- reckless driving
- driving under the influence
- interference with law enforcement official (obstruct or resist in felony case)
- flee or attempt to elude law enforcement official by engaging in reckless driving

Aug 2012:

- distribute or market precursor for unlawful use
- transporting an open container

Nov 2015:

- driving while license cancelled/suspended/revoked

Apr 2016:

- vehicle liability insurance required
- unlawful vehicle registration
- non-verifiable offense

Jan 2017:

- theft of property or services (unknown value)

Mar 2018:

- misdemeanor license restrictions, suspension, or revocation

May 2018:

- interference with law enforcement official (misdemeanor obstruction/resist/oppose)
- use/possess with intent to use drug paraphernalia into human body

Sept 2018:

- misdemeanor license restrictions, suspension, or revocation

4. On September 15, 2020, the Board sent a letter to Applicant's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

5. On November 24, 2020, the Board sent a second letter to Applicant's address of record requesting this information.

6. On December 28, 2020, the Board mailed a Final Notice to Applicant's address of record requesting this information.

7. To date, the Board has not received a completed S-150 Personal History form from Applicant or any correspondence.

#### 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. That 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 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 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

**SUMMARY ORDER OF DENIAL**

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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.

2/18/2021

\_\_\_\_\_  
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of February, 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:

Terri Messer  
206 N Osage St.  
Girard, KS 66743



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Kansas Board of Pharmacy Staff