

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Rochelle McKinney )  
14-105073 )

Case No. 18-065

**SUMMARY ORDER OF DENIAL**

NOW on this 27 day of June, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Rochelle McKinney, (“Applicant”), for application for a Kansas pharmacy technician application.

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 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 Executive Secretary makes the following findings of fact:

1. On February 19, 2018, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of Applicant’s Application she answered “No” to the question: “Have you been charged with or 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.”

3. Application materials indicated that Applicant had a 2009 felony controlled substance conviction, a 2011 assault offense, and a 2017 resisting arrest offense on her record.

4. On March 9, 2018, the Board sent a letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant’s criminal history or offenses.

5. On April 16, 2018, the Board sent a second letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant’s criminal history or offenses.

6. On May 29, 2018, the Board sent a final letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant’s criminal history or offenses.

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

#### CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(1), the Board may deny the granting of a license to a pharmacist if the licensee has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

10. 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.

11. That pursuant to K.S.A. 65-1627(a)(15), the Board may deny the granting of a license to a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

12. Applicant's answer of "No" regarding her previous criminal history is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

13. Applicant's prior felony controlled substance conviction and failure to show sufficient rehabilitation to warrant the public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

14. Applicant's failure to provide the Board with legally requested information concerning applicant's criminal history via the S-150 Personal History form is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

#### 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:

15. 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.

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


17. 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.

18. 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.

6/27/18  
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 27 day of June, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Rochelle McKinney  
5111 Kimball  
Kansas City, KS 66104



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Kansas Board of Pharmacy Staff