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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 8, 2021

MARIA DEL CARMEN SALAZAR-ZUNO
1155 N CLEVELAND
WICHITA, KS 67214

RE: Case No. 21-076

Dear Ms. Salazar:

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

In the Matter of)
)
Maria Del Carmen Salazar-Zuno)
)
Applicant)

Case No. 21-076

SUMMARY ORDER OF DENIAL

NOW, on this 8th day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Maria Del Carmen Salazar-Zuno (“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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On December 14, 2020, 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 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.*

- *Have you ever been charged with or convicted of (includes plea or 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 instructs that if the applicant answers “YES”, she must include a Form S-150 Personal History (“S-150”).

3. Applicant’s S-150 disclosed only a pending court case for a December 2018 failure to render aid and a dismissed 2019 case for marijuana-related charges. As part of Applicant’s Application, she certified that the information she provided was complete, and understood that falsification of the information provided was grounds for denying her Application.

4. Subsequently, the Board received a background report showing that Applicant in fact had an extensive criminal history between 2014 and 2020. Charges included but were not limited to the following: misdemeanor disorderly conduct; contempt of court (multiple counts); probation violation; alien present without admission (multiple counts); felony attempt to elude LEO by engaging in reckless driving; misdemeanor DUI; misdemeanor failure to stop at injury accident (multiple counts); felony conspiracy to violate Uniform Controlled Substances Act; felony possession of Schedule I/II controlled substance; felony sale/transport attempt of Schedule I/II controlled substance; misdemeanor failure to appear (multiple counts).

5. On December 23, 2020, the Board emailed a letter to Applicant’s email address of record requesting a much more thorough S-150 detailing all charges, as well as certified copies of the court pleadings from all cases.

6. On January 24, 2021, the Board received an email request from Applicant for an extension of the deadline by which to submit the requested documents. The Board granted Applicant's requesting, extending her deadline out to February 22, 2021.

7. On February 22, 2021, Applicant again emailed a request for the extension of her submission deadline. The Board again granted her request out to March 12, 2021.

8. On April 27, 2021, as the Board had received none of the requested documents nor any further correspondence from Applicant, the Board mailed a final request for the more thorough S-150 and all supporting court documentation.

9. To date, the Board has received from Applicant neither the requested documents, nor any further correspondence following her February 22nd email request for extension.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may deny an application for issuance 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)(1), the Board may deny an application of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Applicant's false attestation as to the completeness of the personal history information provided in her application was a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

4. 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 or professional incompetency.

5. 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.

6. Applicant's extensive and recent disregard for law and her inability to recall or represent fact indicate the potential for endangerment of the public, placing the pharmacy community at risk. Such unprofessional conduct is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

7. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application of any pharmacist who has failed to furnish to the Board any information legally requested by the Board.

8. Applicant's failure to supply the Board with a comprehensive S-150 unveiling the nature of her misconduct or provide any further court documentation to support her extensive criminal history 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

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

Alex 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:

MARIA DEL CARMEN SALAZAR-ZUNO
1155 N CLEVELAND
WICHITA, KS 67214



Kansas Board of Pharmacy Staff