

January 24, 2022

DIENERA SALVADOR
664 S BROOKSIDE ST
WICHITA, KS 67218

RE: Case No. 22-004

Dear Ms. Salvador:

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Dienera Salvador)
)
Registration No. 24-116472)

Case No. 22-004

SUMMARY ORDER

NOW, on this 24th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Dienera Salvador, (“Applicant”), for application for registration as a Kansas pharmacy technician.

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 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 November 8, 2021, 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 question 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.* The application directs that if the applicant answers “YES”, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In her Form S-150, Applicant disclosed a March 2020 DUI, for which she accepted full responsibility, showed remorse, and acknowledged the danger in which she placed both her own life and the lives of others. Applicant included no court documentation to support this charge or its outcome.

4. On November 17, 2021, the Board sent a letter to Applicant's address of record requesting she provide certified copies of the court pleadings from the case. Applicant did not respond to the Board's request.

5. On December 17, 2021, the Board sent a second letter to Applicant's address of record again requesting she provide certified copies of the court pleadings from the case.

6. On or about December 20, 2021, the Board received the requested documentation from Applicant. Applicant noted that she is awaiting court in March 2022 to determine the outcome of her request for diversion, which she is hopeful will be granted since this is her first and only charge on her criminal record.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may take action on 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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(vvv), unprofessional conduct includes conduct likely to deceive or harm the public.

4. Applicant's DUI charge is a basis to place any registration granted to Applicant in a probationary status, as she is awaiting the outcome of her request for court diversion, and is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

5. Applicant's having chosen to drink and drive and so pose herself a danger to herself and the public is a basis to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3). Also of note may be the recentness of this incident.

6. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED, SUBJECT TO A 2-YEAR PROBATIONARY STATUS. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in her court status within 10 days of such change including, but not limited to, her entrance into any diversion agreement;
- Applicant must maintain compliance with any such court diversion agreement entered into;
- Applicant must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;

- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

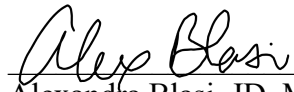
1. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.
2. If a hearing is not requested as described above, 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.

1/24/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of January 2022, 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:

DIENERA SALVADOR
664 S BROOKSIDE ST
WICHITA, KS 67218



Kansas Board of Pharmacy Staff