

January 24, 2022

APRIL SOUTHARD
35 S CAIN
LIBERAL, KS 67901

RE: Case No. 22-030

Dear Ms. Southard:

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. In addition, a civil fine has been assessed totaling \$300. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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)
)
April Southard)
)
Registration No. 24-116205)

Case No. 22-030

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 April Southard, (“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 October 14, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “NO” 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 (“S-150”).

3. Though she had answered “NO”, Applicant included an S-150 which stated only “diversion when I was 21 in Seward County.”

4. As part of the application, Applicant certified that the information provided was true, correct, and complete to the best of her knowledge.

5. Subsequently, the Board received information regarding charges laid against Applicant for June 1994 driving under the influence, November 2002 false reporting of a crime, March 2003 transporting of an open container, September 2003 domestic battery and disorderly conduct, and May 2006 contempt of court.

6. On October 19, 2021, the Board sent a letter to Applicant’s address of record requesting she provide the Board with a more thorough explanation to include all offenses, as well as certified court pleadings from each case to support the charges and their outcomes.

7. On or about November 15, 2021, the Board received from Applicant her court documents, but no further statement to explain the charges.

8. On December 1, 2021, the Board sent an email to Applicant requesting she provide a more thorough S-150.

9. On or about December 10, 2021, the Board received the requested S-150.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the Pharmacy Act of the State of Kansas or any other rules or regulations of the State Board of Pharmacy.

2. 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may discipline the license of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may discipline the license of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(vvv), unprofessional conduct includes conduct likely to deceive or harm the public, or fraud in securing a registration.

6. Applicant only briefly disclosed a single diversion in Applicant's Application, despite the fact that she had numerous charges in her criminal history.

7. Applicant's failure to disclose her complete criminal history on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to impose a civil fine against any registration granted to Applicant pursuant to K.S.A. 65-1627(a)(1) and 65-1658.

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 THE PAYMENT OF A \$300 FINE for the violations. Applicant has 30 days from the date of this order to pay the total \$300.

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:

APRIL SOUTHARD
35 S CAIN
LIBERAL, KS 67901



Kansas Board of Pharmacy Staff