

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By  
APR 22 2016  
KANSAS STATE  
BOARD OF PHARMACY

In the Matter of )  
 )  
Crystal Whitebear )  
 )  
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Case No. 16-027

**SUMMARY ORDER OF DENIAL**

NOW on this 22 day of April, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the application of Crystal Whitebear (the "Applicant") 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 Investigation Member 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 Investigative Member makes the following findings of fact:

1. On or about January 22, 2016, 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 "Yes" to the question: "Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?" The application form directs that if the applicant

answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. Applicant disclosed several traffic infractions dating from 2001-2014, including speeding, failure to wear a seatbelt, driving while suspended, failure to provide insurance, no front plate, and failure to yield.

4. Applicant also disclosed a possession of marijuana charge from 2007 in Missouri.

5. Applicant did not include an explanation of the circumstances surrounding the charges she disclosed.

6. In addition to the above offenses, the background report provided to the Board by the Kansas Bureau of Investigation indicated Applicant was arrested in Kentucky for possession of marijuana, trafficking in marijuana, possession of a controlled substance, carrying a concealed deadly weapon, and receiving stolen property (a firearm).

7. While Applicant did disclose some of her criminal charges, she failed to report her entire offense history to the Board.

8. As part of Applicant’s Application, she certified that the information provided was true, correct and complete and that she understood that withholding relevant information was grounds for denying her application.

9. On February 3, 2016 and March 3, 2016, a representative of the Board wrote Applicant, indicating the results of Applicant’s criminal history report and requesting Applicant provide additional court documentation concerning her possession of marijuana charge in Missouri, as well as her offenses in Kentucky. To date, Applicant has not provided the Board with the requested documentation.

### CONCLUSIONS OF LAW

10. 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.

11. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

12. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

13. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

14. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist "has failed to furnish the board, its investigators or its representatives any information legally requested by the board."

15. Applicant's failure to disclose the offense history identified in paragraph 6 above is an attempt to obtain a registration by fraud and is a basis to deny Applicant's Application.

16. Applicant's failure to respond to the Board's request for documentation regarding Applicant's offense history is 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:

17. 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.

18. 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.

19. 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.

20. 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.

4/21/2016

Date

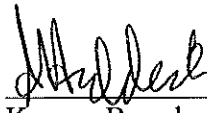


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David Schoech, R.Ph.  
Investigation Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of April, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Crystal Whitebear  
11825 E. 56<sup>th</sup> St.  
Kansas City, MO 64133



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Kansas Board of Pharmacy Staff