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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

May 25, 2022

CHRISTINA BALDERAS
1349 N AKSARBEN CT
WICHITA, KS 67235

RE: Case No. 21-254

Dear Ms. Balderas:

Enclosed you will find an Amended 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

MAY 24 2022

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Christina Balderas)
)
Registration No. 24-116233)

Case No. 21-254

AMENDED SUMMARY ORDER

NOW, on this 25th day of May 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Christina Balderas (“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 Amended 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 18, 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 (“Form S-150”).

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

4. On or about October 20, 2021, the Board received information regarding a 2010 larceny of merchandise offense that had been laid against Applicant.

5. On October 20, 2021, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from the case.

6. On November 3, 2021, the Board received from Applicant a Form S-150 statement, and two court documents which outlined a jail stay reimbursement. Applicant noted that she had answered "NO" because she believed the charge was no longer on her record due to the time elapsed since the incident. The S-150 statement gave no details as to the nature of arrest or charges, nor to the circumstances of her conviction. Applicant's documents were subsequently forwarded to the Board's Individual License Evaluator.

7. On November 30, 2021, the Board's Individual License Evaluator made contact with Applicant via her phone number of record, after four failed attempts at such. Applicant disclosed then that the larceny offense had involved her theft of a costume from Walmart.

8. On or about December 28, 2021, the Board issued a Summary Order granting Applicant's Application subject to a \$200 fine for a violation of K.S.A. 65-1627(a)(1).

9. To date, Applicant has not paid the fine and has not yet been issued a registration.

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. Applicant answered "no" to the criminal offense questions on the Application despite the fact that she had been charged with and convicted of a criminal offense.

5. Applicant's failure to disclose her criminal charge 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.

6. That pursuant to K.S.A. 65-1627(a)(16), the licensee has violated or failed to comply with any lawful order or directive of the board.

7. Applicant's failure to pay the required fine is a violation of K.S.A. 65-1627(a)(16).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration 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.

5/25/2022
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of May 2022, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

CHRISTINA BALDERAS
1349 N AKSARBEN CT
WICHITA, KS 67235



Kansas Board of Pharmacy Staff