

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Courtney Ballard)
14-106813)
_____)

Case No. 18-526

SUMMARY ORDER OF DENIAL

NOW on this 26 day of December, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Courtney Ballard, ("Applicant"), for her 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 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 Executive Secretary makes the following findings of fact:

1. On or about July 2, 2018, 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.

3. Additional application materials indicated that Applicant had the following offenses on her criminal record: a 2006 misdemeanor assault conviction, a 2014 assault arrest, a 2016 tampering arrest, and a 2018 driving while revoked or suspended offense.

4. On July 23, 2018, the Board sent Applicant a letter requesting she submit a completed Personal History Form S-150 and certified court documents from each case.

5. On August 9, 2018, the Board received the requested documentation.

6. On or about October 31, 2018, a Board Evaluator conducted a phone interview with Applicant.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny the granting of a license to an Applicant who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude or gross immorality and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(tt), unprofessional conduct means conduct likely to deceive or harm the public.

6. Applicant's answer of "No" to the criminal history question on her application is a misrepresentation of a material fact and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's previous misdemeanor conviction for assault and her failure to show that she has been sufficiently rehabilitated to warrant the public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

8. Applicant's previous arrests and convictions are unprofessional conduct a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

9. Applicant's previous disregard for the law poses a danger to the public in the pharmacy setting and is a basis to deny Applicant's Application.

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:

10. 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.

11. 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.

12. 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.

13. 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.


12/26/18
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26 day of December, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Courtney Ballard
201 S. Mary
Greeley, KS 66033



Kansas Board of Pharmacy Staff