

August 21, 2019

TYANN BELL
814 W MENTOR
WICHITA, KS 67213

RE: Case No. 19-371

Dear Ms. Bell:

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

Filed By

AUG 21 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
TyAnn Bell)
)
Registration No. 14-109823)

Case No. 19-371

SUMMARY ORDER

NOW, on this 21st day of August 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of TyAnn Bell, ("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, makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On June 5, 2019, 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."

3. In her application, Applicant provided a brief S-150 Personal History form statement, noting charges of minor in possession, resisting arrest, and obstructing an officer.

4. On June 19, 2019, The Board received information regarding a 2018 petit larceny charge.

5. On June 24, 2019, the Board mailed Applicant a letter requesting a complete Personal History Form S-150 to include the larceny charge, as well as certified copies of the court pleadings from the larceny charge.

6. On or about July 15, 2019, the Board received the requested documentation. Documentation noted that Applicant is on court probation until November 28, 2019.

7. Subsequently, the Board's Individual License Evaluator conducted a phone interview with Applicant. Evaluator noted that Applicant appears to have been successful in realigning priorities and goals to become focused on a pharmacy technician career path. Evaluator also noted that, at the time of phone interview, Applicant's last charge was only 10 months old, and that probation has yet to be completed.

CONCLUSIONS OF LAW

1. 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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. 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.

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

5. Applicant's misdemeanor convictions are a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as she is still on probation and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's possession and larceny criminal charges are of particular import in the pharmacy setting where prescription drugs, private health information, and payment/insurance information are accessible to pharmacy staff, including pharmacy technicians. This information is sufficient pursuant to K.S.A. 65-1627(a)(3) for the Board to place Applicant's registration in a probationary status because the conduct is likely to deceive or harm 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 continue compliance with the terms of her court probation;
- Applicant must notify the Board of any change in her court date suspension or probation status within 10 days of the change;
- 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.

8/21/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of August 2019, 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:

TYANN BELL
814 W MENTOR
WICHITA, KS 67213

Alexandra Blas
Kansas Board of Pharmacy Staff