

April 18, 2022

Brittany Bernick
7414 SW 22nd Ct
Topeka KS 66614

RE: Case No. 22-108

Dear Ms. Bernick:

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Brittany Bernick)
)
Registration No. 14-103112)

Case No. 22-108

SUMMARY ORDER

NOW, on this 18th day of April 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Brittany Bernick, (“Respondent”), 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. The Board has previously issued Respondent pharmacy technician registration number 14-103112, which entitles Respondent to operate as a pharmacy technician in Kansas.
2. On November 3, 2021, the Board received information regarding a November 2021 DUI offense for Respondent.
3. On November 3, 2021, the Board mailed Respondent a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

4. On or about November 15, 2021, the Board received the requested documentation. Respondent's personal statement and court records documented that there was no resolution to the charges at the time.

5. On February 1, 2022, the Board sent a follow-up request for information to Respondent concerning the ongoing DUI charge.

6. On March 1, 2022, the Board received an update from Respondent indicating she planned to enter into a 12-month diversion agreement, but it had not yet been approved by the court.

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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

4. Respondent's DUI is unprofessional conduct and a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3), as she is still under the diversion agreement and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's pharmacy technician registration is hereby placed on a two-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her court diversion agreement;
- Respondent must notify the Board of any change in her diversion status within 10 days of the change;
- Respondent must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;
- Respondent must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.

4/18/2022
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of April 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:

Brittany Bernick
7414 SW 22nd Ct
Topeka KS 66614



Kansas Board of Pharmacy Staff