

Filed By

APR 15 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Coleen Berscheidt)
)
_____)

Case No. 18-048

SUMMARY ORDER OF DENIAL

NOW on this 15 day of April, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Coleen Berscheidt, (“Applicant”), for application for a Kansas pharmacy technician application.

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 August 20, 2018, 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 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 form directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History.

3. Applicant disclosed that she had previously been arrested for theft in 2016. Additional application materials indicated Applicant was convicted of this misdemeanor theft offense in 2017.

4. On September 4, 2018, the Board mailed Applicant a letter requesting the certified court documents from the case.

5. On September 27, 2018, the Board received the requested court documents.

6. On March 6, 2019, after review of Applicant’s file and finding that Applicant’s previous statement regarding her theft offense was not very detailed, the Board mailed Applicant a letter requesting a more detailed explanation of her previous offense by March 21, 2019.

7. To date, the Board has not received the requested detailed explanation from Applicant or any correspondence.

CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee has been convicted of a misdemeanor involving moral turpitude and the licensee fails to show sufficient rehabilitation to warrant the public trust.

10. That pursuant to K.S.A. 65-1627(a)(15), the Board may deny the granting of a license to a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

11. Applicant's previous misdemeanor conviction for theft and lack of a detailed explanation or evidence of rehabilitation is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

12. Applicant's failure to provide the Board with the legally requested information concerning Applicant's previous misdemeanor theft offense is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(15).

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:

13. 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.

14. 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.

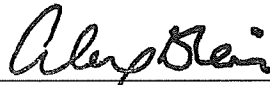
15. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

16. 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.

4/12/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15 day of April, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

COLEEN BERSCHIEDT
925 Witch Hollow St
Gardner, KS 66030



Kansas Board of Pharmacy Staff