

April 13, 2021

Diera Brooks
2130 W 76th St
Kansas City KS 66109

RE: Case No. 21-038

Dear Ms. Brooks:

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)
)
Diera Brooks)
)
Registration No. 24-111343)

Case No. 21-038

SUMMARY ORDER OF REVOCATION

NOW on this 13th day of April, 2021 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Diera Brooks (“Respondent”).

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 Revocation in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 24-111343 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

On May 20, 2020, the Board issued Respondent a Summary Order in Case 20-210 granting her pharmacy technician registration and placing it on a two-year probation, which became final and effective on June 8, 2020. The terms of her probation are as follows:

- Continue compliance with the terms of her court diversion agreement;
- Notify the Board of any change in her diversion status within 10 days of the change;

- Notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Inform employers of the probationary status of her pharmacy technician registration;
- Obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Comply with all rules and regulations of the Pharmacy Practice Act.

2. On or about February 20, 2021, the Board received information regarding an arrest for possession of a controlled substance.

3. On February 22, 2021, the Board sent an email to Respondent's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case. Respondent did not respond to the Board's request.

4. On March 26, 2021, the Board sent a letter to Respondent's address of record requesting this information. Respondent did not respond to the Board's request. The letter was returned as nondeliverable.

5. To date, the Board has not received a completed S-150 Personal History form from Respondent or any correspondence.

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

3. That pursuant to K.S.A. 65-1627 (a)(16), the Board may take action against the license of a pharmacist if the licensee has violated or failed to comply with any lawful order or directive of the board.

4. Respondent's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to revoke Respondent's Registration.

5. Respondent's failure to provide updated information concerning her previous offense for which she was placed on probation, her lack of response concerning this new offense, and her failure to update the Board with her address of record are all violations of the Board's order in Case 20-210 and therefore a violation of K.S.A. 65-1627(a)(16) and a basis to revoke Respondent's Registration.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.

NOTICES

The Respondent is hereby notified as follows:

1. The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

4/13/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of April, 2021 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:

Diera Brooks
2130 W 76th St
Kansas City KS 66109



Kansas Board of Pharmacy Staff