

July 24, 2023

Beth Caudill
1171 E. Park Street
Gardner, Kansas 66030

RE: Case No. 23-057

Dear Beth Caudill:

Enclosed you will find an Amended 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

3. The Board received information regarding an August 2006 disorderly conduct offense, a February 2007 misdemeanor theft offense, May 2006 criminal use of a financial card and theft offenses against Applicant.

4. On November 2, 2022, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On December 1, 2022, the Board mailed Applicant a second letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

6. On January 4, 2023, the Board mailed Applicant a final request letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

7. On or about January 13, 2023, the Board received the requested documentation of which did not include certified copies of the court pleadings from each case.

8. On or about January 17, 2023, the Board emailed Applicant a final request for certified copies of the court pleadings from each case.

9. On or about January 25, 2023, the Board received the requested documentation, which confirmed that Applicant was charged with the aforementioned offenses, received suspended sentences or probation, and had complied with all court requirements.

10. On March 24, 2023, the Board issued a Summary Order granting Applicant's registration subject to payment of a fine due within 30 days of the date of the Order.

11. On May 17, 2023, the Board sent a letter to Applicant's address of record requesting payment of the past-due fine.

12. On June 22, 2023, the Board sent an email to Applicant's address of record requesting payment of the past-due fine.

13. To date, the Board has not received payment of the fine or any further correspondence from Applicant.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny the license of any pharmacist upon a finding that the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

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

5. Pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

6. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to deny Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

7. Applicant's disorderly conduct offense, as well as Applicant's repeated theft and financial card offenses are unprofessional conduct likely to harm the public in the pharmacy

setting where insurance and financial payments are transacted for every patient. This past unprofessional conduct requires additional oversight and supervision in the pharmacy, and is a basis to deny Applicant's registration pursuant to K.S.A. 65-1627(a)(3).

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:

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.

7/24/2023
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of July 2023, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Beth Caudill
1171 E. Park Street
Gardner, KS 66030

Kansas Board of Pharmacy Staff