

February 24, 2022

MARITZA CHAVARRIA
8520 W 131st TERR, #1712
OVERLAND PARK, KS 66213

RE: Case No. 22-037

Dear Ms. Chavarria:

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)
)
Maritza Chavarria)
)
Applicant)

Case No. 22-037

SUMMARY ORDER OF DENIAL

NOW, on this 24th day of February 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Maritza Chavarria (“Applicant”), for application for a Kansas pharmacy technician registration.

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, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On September 27, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of the application, Applicant answered “NO” to the question: *Have you ever 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.* The application directs that if the applicant answers “YES”, they must attach a Form S-150: Personal History (“S-150”).

3. As part of the application, Applicant had certified that the information provided in the Application was true, correct, and complete, to the best of her knowledge.

4. Subsequently, the Board received information regarding January 2021 charges that had been filed against Applicant for domestic battery, interference with law enforcement, falsely reporting a crime, and disorderly conduct.

5. On October 1, 2021, the Board sent a letter to Applicant's address of record requesting a completed S-150 as well as certified copies of the court pleadings from each case.

6. On October 28, 2021, Applicant emailed the Board to say that the court had no information other than an unpaid ticket, but she included no letter stating such, and no S-150.

7. On November 2, 2021, the Board sent a second letter to Applicant's address of record, again requesting a completed S-150 and certified copies of the court pleadings from each case. Applicant did not respond to the Board's second request.

8. On December 6, 2021, the Board sent a final letter to Applicant's address of record, requesting a completed S-150 and certified copies of the court pleadings from each case one final time.

9. On or about February 9, 2022, the Board received from Applicant her S-150 statement. No court records were included, nor any letter from the court stating there were no records.

10. To date, the Board has received no court documentation from Applicant to support her S-150 statement.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(f)(1), the Board may deny an application for issuance 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)(1), the Board may deny an application of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application of any pharmacist upon a finding that the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

4. Applicant did not disclose her January 2021 list of charges in her initial Application, despite the fact that she had just incurred such charges eight months prior to applying.

5. Applicant's failure to disclose any criminal history on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

6. Applicant's failure to supply the Board with the court documents requested to complete her Application 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

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

IT IS SO ORDERED.

2/24/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of February 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:

MARITZA CHAVARRIA
8520 W 131ST TERR, #1712
OVERLAND PARK, KS 66213



Kansas Board of Pharmacy Staff