## BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of	)	
	)	Case No. 17-110
Sylvia Chavez	)	
14-103191	)	
	)	

## SUMMARY ORDER OF DENIAL

NOW on this 29 day of December, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Sylvia Chavez, ("Applicant"), for her application for registration as a 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 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 or about May 17, 2017, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
- 2. Applicant answered "No" to the following question on her application: Have you 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.

3. On May 24, 2017, the Board received a background report from the Kansas

Bureau of Investigation ("KBI"), indicating that Applicant had been arrested for "obstruct misd

legal process" in 2005; arrested and convicted of misdemeanor domestic battery in 2008;

arrested for "probable cause of warrant" in 2008; and arrested for failure to appear in 2012.

4. On June 14, 2017, the Board sent Applicant a letter requesting she submit a

completed S-150 Form.

5. On November 13, 2017, the Board sent Applicant a second letter requesting she

submit a completed S-150 Form.

6. Applicant has not responded to the Board's requests for a completed S-150

Form.

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)(1), the Board may deny the granting of a license

to an Applicant 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)(2) the Board may deny the granting of a license

to an Applicant who has been convicted of a misdemeanor involving moral turpitude or gross

immorality or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license

to an Applicant who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(sss), unprofessional conduct means conduct likely

to deceive or harm the public.

6. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an

Applicant who has failed to furnish the board, its investigators or its representatives any

information legally requested by the board;

7. Applicant's answer of "No" regarding her previous criminal history is a

misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to

K.S.A. 65-1627(a)(1).

8. Applicant's misdemeanor conviction for domestic battery and failure to show

that she has been sufficiently rehabilitated to warrant the public trust is a basis to deny

Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

9. Applicant's arrests for obstructing the legal process, domestic battery, and

failure to appear are unprofessional conduct and bases to deny Applicant's Application

pursuant to 65-1627(a)(3).

10. Applicant's failure to respond to the Board's request for a completed S-150

Form is a basis to deny Applicant's Application pursuant to 65-1627(a)(15).

**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:

11. 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.

12. If a hearing is not requested as described above, the Order denying Applicant's

Registration as a pharmacy technician shall become a final order of the Board, effective upon

the expiration of the time to request a hearing.

13. 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.

14. 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.

In the Matter of Sylvia Chavez 17-110
SUMMARY ORDER OF DENIAL

12/29/17 Date Alexandra Blasi, JD, MBA Executive Secretary Kansas Board of Pharmacy

## **CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 29 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Sylvia Chavez 205 N. Thorpe St. Kansas City, KS 66102

Kansas Board of Pharmacy Staff