

October 28, 2021

NICOLE CRESPINO
1417 TWILIGHT DR
EMPORIA, KS 66801

RE: Case No. 21-202

Dear Ms. Crespino:

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)
)
Nicole Crespino)
)
Registration No.24-114410)

Case No. 21-202

SUMMARY ORDER

NOW, on this 28th day of October 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Nicole Crespino, (“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 in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 24-114410 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about July 16, 2021, the Board received information regarding a domestic battery charge that had been laid against Respondent on July 21, 2021.
3. On July 28, 2021, the Board sent a letter, both to Respondent’s physical address as well as to her email address of record, requesting a completed Personal History Form S-150 (“S-150”), as well as certified copies of the court pleadings from the case.

4. On August 16, 2021, the Board received the requested documents from Respondent along with several letters of recommendation, which were then forwarded on August 17, 2021, to the Board's Individual License Evaluator ("the Evaluator") for investigation.

5. On September 29, 2021, the Evaluator conducted a phone interview with Respondent.

6. Respondent's S-150, court documents, and phone interview detailed that Respondent's domestic battery case was pending but set for arraignment, at which time Respondent would look to request diversion or dismissal of the charge. Respondent expressed remorse for her wrongdoing, which she detailed was a physical outcome of a verbal argument that she noted should have resulted in her responding differently.

7. On October 5, 2021, the Board received from Respondent further documents on her domestic battery case. The documents included the police record of the incident as well as an update from Respondent noting that her court proceedings had been continued to October 21, 2021, and that she would update the Board following the proceedings.

8. To date, the Board has received no further update from Respondent on the status of her court case.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may limit 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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony

or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

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

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to deceive or harm the public.

5. Respondent's criminal battery charge is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2) as her court case is pending, and Respondent is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Respondent's domestic battery incident is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3) and K.S.A. 65-1626(uuu), as her misconduct may carry the potential to place the public at risk from within the pharmacy setting. To prevent such harm, any registration held by Respondent should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby PLACED ON A 2-YEAR PROBATIONARY STATUS. The terms of Respondent's probation are as follows:

- Respondent must notify the Board of any change in her court status by providing documentation to the Board within 10 days of any such change;
- Respondent must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;

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

NOTICES

Respondent is hereby notified as follows:

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

IT IS SO ORDERED.

10/28/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of October 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:

NICOLE CRESPINO
1417 TWILIGHT DR
EMPORIA, KS 66801



Kansas Board of Pharmacy Staff