

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Vanessa Cushenberry)
14-104637)
_____)

Case No. 17-307

SUMMARY ORDER OF DENIAL

NOW on this 10 day of April, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Vanessa Cushenberry, (“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 December 14, 2017, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” 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. In response, Applicant disclosed a 2010 domestic batter offense.

3. Applicant did not submit a completed S-150 Personal History Form with her application as required for answering “Yes” to certain the questions on the application.

4. On or about December 18, 2017, the Board received additional application materials indicating that Applicant had the following prior offenses: a worthless check offense from 1996; a theft offense from 2000; theft offenses from 2001; worthless check offenses from 2008; a failure to appear offense from 2008 a driving while suspended offense from 2009; and county violations from 2002.

5. On December 21, 2017, the Board sent Applicant a letter requesting she submit a completed S-150 Personal History Form regarding both the offense she disclosed and the offenses she did not disclose.

6. On January 30, 2018, the Board sent Applicant a second letter requesting she submit a completed S-150 Personal History Form.

7. On or March 21, 2018, the Board sent Applicant a final letter requesting she submit a completed S-150 Personal History Form.

8. To date, 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 and the Applicant fails to show that Applicant 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 failure to disclose her entire criminal history on her application 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 convictions for misdemeanor theft and misdemeanor domestic battery and her failure to respond to the Board's requests for information are convictions of misdemeanors involving moral turpitude and failure to show she has been sufficiently rehabilitated to warrant the public trust, and are bases to deny Applicant' Application pursuant to K.S.A. 65-1627(a).

9. Applicant's arrests for worthless checks, theft, domestic battery, failure to appear, driving while suspended and county violations 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).

11. Applicant's pattern of disregard for the law poses a danger to the public in the pharmacy setting, and is a basis to deny Applicant's Application.

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:

12. 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.

13. 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.

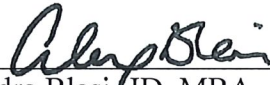
14. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

15. 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.

4/10/18
Date

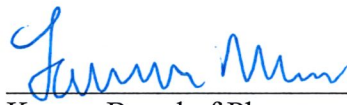


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10 day of April, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Vanessa Cushenberry
6436 Blue Ridge Blvd
Raytown, MO 64133



Kansas Board of Pharmacy Staff