

May 18, 2021

KYLA DAVIS
8720 E 61ST ST
RAYTOWN, MO 64129

RE: Case No. 21-050

Dear Ms. Davis:

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

3. As part of Applicant's Application, she certified that the information provided was true, correct, and complete, and understood that falsification of the information provided was grounds for denying Applicant's Application.

4. On or about September 4, 2020, the Board received information regarding criminal charges laid against Applicant for misdemeanor tampering with a motor vehicle in 2018 and for assault, possession of drug paraphernalia, and possession of marijuana in 2019.

5. On September 8, 2020, the Board mailed Applicant a letter requesting a thorough Form S-150, as well as certified copies of the court pleadings from each case.

6. On September 22, 2020, Applicant responded to the Board's request with an email stating she had no knowledge of the 2018 tampering charge, and that the 2019 charges would be cleared up by the following day.

7. Subsequently the Board received and granted Applicant's request for extension of the deadline by which to submit the requested documentation, giving her until October 18, 2020.

8. On November 24, 2020, as the Board still had not received the requested documents from Applicant, a second letter was mailed to Applicant's address of record again requesting the Form S-150 and court pleadings.

9. On December 30, 2020, the Board received from Applicant an email with insufficient court documentation to support the charges in question.

10. On December 31, 2020, the Board responded to Applicant's insufficient email with a third request for the Form S-150, along with more adequate court documentation.

11. On January 27, 2021, the Board received from Applicant her Form S-150, but not the court documentation as requested.

12. On January 29, 2021, the Board emailed to Applicant a fourth request for more sufficient court documentation.

13. On February 1, 2021, the Board emailed to Applicant a fifth and final request for more sufficient court documentation.

14. On February 2, 2021, the Board received further court documents from Applicant, including a police report of the 2019 charges, but which did not address the 2018 charge. Applicant's documents were then forwarded to the Board's Individual License Evaluator ("the Evaluator") for review.

15. Applicant's Form S-150 statement and 2019 court papers documented that upon guilty pleas the possession charges had been amended to littering, and that the assault charge had been dismissed. The police report indicated that the incident had happened during a vehicle nonpayment repossession, that Applicant had bitten, scratched, and threatened the repossession agent, and that she had concealed in a bag under her shirt a fully loaded pistol, a scale, and a mason jar containing 3.2 grams of marijuana.

16. In her review following a phone interview with Applicant, the Evaluator noted that there were inconsistencies between Applicant's story and her documents provided. Applicant apologized for not answering truthfully on her Application regarding the 2019 charges, but denied knowledge or understanding of the 2018 tampering charge, and provided no clarification of or records for this charge or its resolution.

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.

1. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny an application of any pharmacist who 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.

2. Applicant's false response to the application question was a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

3. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish the Board, its investigators or its representatives any information legally requested by the Board.

2. Applicant's failure to supply the Board with any documentation regarding the 2018 criminal charge is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application. It is worth noting that five separate requests were made by the Board to Applicant to provide this documentation.

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

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public, and/or fraud in securing a registration.

5. Applicant's disregard for law and her inability to recall or represent fact indicate the potential for endangerment of the public, placing the pharmacy community at risk. Such unprofessional conduct is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application 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.

5/18/2021

Date

Alex Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of May 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:

KYLA DAVIS
8720 E 61st ST
RAYTOWN, MO 64129



Kansas Board of Pharmacy Staff