

April 5, 2023

Shavori J. Dennis
1929 S. George Washington Blvd
Wichita KS 67218

RE: Case No. 23-023

Dear Ms. Dennis:

Enclosed you will find an Amended 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)
)
Shavori J. Dennis)
)
Applicant)

Case No. 23-023

AMENDED SUMMARY ORDER

NOW, on this 5th day of April, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Shavori J. Dennis, (“Applicant”), for 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 Amended Summary Order 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 December 9, 2022, 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 Applicant’s 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. The Board received information regarding August 2006 Battery, Obstructing legal process or official duty offense(s), October 2008 License to be carried and exhibited upon demand and driving while license cancelled/suspended/revoked offense(s), and a May 2011 Domestic battery; intentional bodily harm caused by one family member to another offense.

4. On December 13, 2022, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On or about January 3, 2023, the Board received the requested documentation, which confirmed that Applicant pleaded guilty to the 2006 battery offense and was sentenced to probation. In addition, Applicant provided court documents for which she pleaded guilty in March 2013 to driving while suspended and no insurance, for which she was deemed a habitual offender and sentenced to 12 months probation.

6. On March 1, 2023, the Board received a DEA 106 notification from Walgreens Pharmacy #7147, registration number 2-13137, (the "Pharmacy") indicating that an employee theft occurred of 129 tablets of hydrocodone-acetaminophen and 219 tablets of oxycodone-acetaminophen, which was discovered on or around December 29, 2023.

7. On March 29, 2023, the Board's investigator conducted an inspection of the Pharmacy and was provided the following information:

- a. Applicant was hired as a technician by the Pharmacy.
- b. While waiting for Applicant's Application to be reviewed, Applicant provided cashier services to the Pharmacy, which responsibilities included shelving filled prescriptions and selling prescriptions at the front counter and drive-thru window.
- c. On at least two separate occasions, Applicant sold another patient's prescription without verifying the patient name and date of birth.

- d. On December 28, 2022, Patient A called the Pharmacy and reported that he did not pick up his medication. The Pharmacy camera showed a red car picked up Patient A's prescription after identifying name and address, only. Applicant sold the prescription and wrote down an identification in the control log but there was no matching prescription number in the log. Patient A filed a police report for the theft. The pharmacist completed an incident report.
- e. On December 28, 2022, Patient B called the Pharmacy to report that she did not pick up her medication. The Pharmacy reported that an adult male picked up the prescription earlier that day. The Pharmacy camera indicated Applicant sold the prescription and appeared to have looked and written the individual's name in the control log, but the prescription number was not written there. Patient B filed a police report for the theft.
- f. The Pharmacy reported that Applicant provided a statement and was terminated from employment.

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 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.

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(vv)(5) and (7), unprofessional conduct means unlawful possession of drugs and unlawful diversion of drugs to others, and conduct likely to deceive, defraud or harm the public.

5. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to deny Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

6. Based on the investigator's review of the DEA 106 report of theft/loss, the incident reports, and the information from Pharmacy personnel, Applicant sold at least two separate prescriptions to an individual other than the patient or the patient's designated representative.

7. At a minimum, Applicant's conduct in the Pharmacy was unprofessional and likely to harm the public by breaching the patients' confidentiality and causing a disruption in the patient timely receiving their medication. Based on the Pharmacy incident reports, termination of employment, and report to the DEA of employee theft, it is more likely that Applicant intentionally sold another patient's prescription to her "friend" on at least two separate occasions, thereby diverting controlled substance medications. This is unprofessional conduct that is not only likely to deceive, defraud, or cause harm but actually deceived, defrauded, and caused harm to the public, and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

8. Additionally, this is an unlawful diversion of drugs to others, which is also 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.

4/5/2023
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of April, 2023, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Shavori J. Dennis
1929 S. George Washington Blvd.
Wichita KS 67218



Kansas Board of Pharmacy Staff