

800 SW Jackson St., Suite 1414  
Topeka, KS 66612



Phone: (785) 296-4056  
Fax: (785) 296-8420  
pharmacy@ks.gov  
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

December 7, 2021

MARISELA DIANDA  
1505 E CHESTNUT, APT #1  
GARDEN CITY, KS 67846

RE: Case No. 21-107

Dear Ms. Dianda:

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Marisela Dianda )  
 )  
Applicant )

Case No. 21-107

**AMENDED SUMMARY ORDER**

NOW, on this 7th day of December 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Marisela Dianda (“Applicant”), for application for a Kansas pharmacy technician registration.

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 March 19, 2021, 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.* The application states that if an applicant answers “YES”, they must include a Form S-150: Personal History (“S-150”).

3. On her attached S-150, Applicant disclosed a February 2018 DUI offense which resulted in her successful completion of a one-year court probation.

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

5. On or about March 25, 2021, the Board received information regarding undisclosed charges of a November 2014 license offense and July 2017 theft and unlawful computer act offenses.

6. On March 29, 2021, the Board mailed Applicant a letter requesting a more thorough S-150 to include these offenses, as well as certified copies of the court pleadings from such cases.

7. On or about April 20, 2021, the Board received from Applicant several court documents which were deemed to be incomplete, and Applicant had not included to requested more thorough S-150.

8. On April 26, 2021, the Board emailed Applicant a request for more documents on the 2017 theft charge, as well as the more thorough S-150 statement.

9. On April 26, 2021, the Board received from Applicant the requested theft court documents and her S-150 statement, which did not give details on the theft.

10. On May 3, 2021, the Board emailed Applicant a request for a yet further explanation of the circumstances surrounding her theft incident.

11. On May 3, 2021, Applicant responded with her further statement regarding the theft.

12. Applicant's court documents and S-150 detailed that Applicant successfully completed a two-year diversion for theft of property around \$2000. Fewer than four years have elapsed since the time of this charge, which followed from Applicant's theft, over several months, of clothing from her place of employment, even as its manager during such incident. No letters of recommendation or character references were submitted by Applicant.

13. On October 25, 2021, the Board received additional information from Applicant, including several letters of recommendation attesting to Applicant's character. The letters specifically note Applicant's reliability and integrity in her current employment.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may place on probation 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)(3), the Board may discipline any pharmacist who has been found guilty of unprofessional conduct.

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

4. Applicant's charge for theft from her employer is unprofessional conduct and a basis to grant Applicant's Application subject to a probationary status pursuant to K.S.A. 65-1627(a)(3). Applicant's personal statement initially demonstrated no understanding of the severity or seriousness of her misconduct, but additional letters of recommendation suggest that Applicant has demonstrated a change in her current character for the better. Given the recent nature of Applicant's misconduct, as well as her leveraging of power of her position of access

within the location of the theft, a position within the pharmacy setting may pose potential risk to the pharmacy community without adequate supervision, oversight, and awareness.

### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

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

### 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.

12/7/2021

\_\_\_\_\_  
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7th day of December 2021, 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:

MARISELA DIANDA  
1505 E CHESTNUT, APT #1  
GARDEN CITY, KS 67846

  
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Kansas Board of Pharmacy Staff