

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
MAR 03 2017
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Kathryn Diehl)
)
_____)

Case No. 15-244

SUMMARY ORDER OF DENIAL

NOW on this 3 day of March, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kathryn Diehl, ("Applicant"), for application for Pharmacist licensure reciprocity with the state of Kansas.

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 Investigative Member makes the following findings of fact:

1. On November 20, 2015, the Board received Applicant's application for reciprocal transfer of Applicant's pharmacist license to practice in the State of Kansas ("Applicant's Application").

2. As part of Applicant's Application she answered "Yes" to the question: "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony

or misdemeanor (other than minor traffic offenses) whether or not a sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?

3. As part of Applicant's Application she answered "Yes" to the question: "Do you currently have any condition or impairment including, but not limited to, substance or alcohol abuse or dependency, that in any way affects your ability to practice pharmacy in a safe and in a competent manner?"

4. In the following affidavit section, Applicant explains a previous diversion of controlled substances charge and its relation to Applicant's then existing substance dependency. Applicant goes on to explain successful treatment and completion of abuse and recovery programs over the course of five years with no positive tests in that time.

5. On December 15, 2015, the Board sent a letter to Applicant requesting completion of a fingerprint card and additional information regarding the answers on Applicant's Application.

6. On August 24, 2016, the Board again sent a letter to Applicant requesting the completion of a fingerprint card and explanation of the answers within Applicant's Application. The letter directed Applicant to submit the requested materials by September 26, 2016.

7. To date, the Board has not received a completed fingerprint card or further explanation of Application answers from Applicant or any other correspondence.

CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee fails to show sufficient rehabilitation to warrant the public trust.

10. That pursuant to K.S.A. 65-1627(a)(5), the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

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

12. Applicant's diversion charge and lack of further explanation or evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(5).

13. Applicant's failure to provide the Board with legally requested information concerning applicant's charge via the completion of a fingerprint packet is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

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:

14. 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.

15. 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.

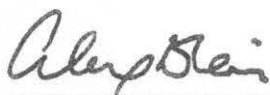
16. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

17. 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.

3/3/17
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of March, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kathryn Diehl
3203 Camellia Dr.
Portsmouth, VA 23703

A handwritten signature in black ink, appearing to be 'M. Aldred', written over a horizontal line.

Kansas Board of Pharmacy Staff