

Filed By

BEFORE THE KANSAS BOARD OF PHARMACY

OCT 29 2020

KANSAS STATE
BOARD OF PHARMACY

In the Matter of

Case No. 19-522

Albert Jeremy Dominguez

FINAL ORDER

Decision

The Kansas Board of Pharmacy (Board) has carefully considered the evidence presented and reviewed the applicable statutes, regulations and policies, and hereby approves the application for a pharmacy technician registration number to be issued to Albert Jeremy Dominguez, also known as Corrine Dominguez (Dominguez), upon the terms and conditions set forth hereinbelow.

Statement of Case

This matter comes on for hearing on this the 3rd day of September 2020, before the Board upon the request for a hearing submitted by Dominguez on or about May 13, 2020. Dominguez requested a hearing on the Board's Summary Order dated May 6, 2020 seeking to deny Dominguez's Pharmacy Technician Application.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph (appeared by video conference); Tiffany Strohmeier, PharmD; Andrew Truong, PharmD; and, Erick Axcell, PharmD.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Dominguez appeared in person and *pro se*.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Evidentiary Rulings

The Board offered Exhibits 1 through 5 for admission as evidence. Dominguez had no objection to admission of Exhibits 1 through 5. Board's Exhibits 1 through 5 were admitted.

Findings of Fact

1. On October 25, 2019 the Board received a Registration Application from Dominguez seeking a Pharmacy Technician registration number permitting Dominguez to operate as a pharmacy technician in the State of Kansas. (Exhibit 1) On the application, Dominguez was asked if she had been convicted of a criminal offense or is there a criminal charge now pending against you in any state or federal court whether or not a sentence was imposed, suspended, or diverted. Dominguez responded by marking "Yes." Dominguez included a Form S-150 but did not include copies of supporting documents as required.

2. The Board obtained information regarding eight (8) criminal matters involving Dominguez.

3. On November 14, 2019 the Board sent a letter to Dominguez requesting additional information based upon Dominguez's criminal history and the response on the application. (Exhibit 2) Dominguez was asked to submit a more complete Form S-150 and to include certified copies of court documents related to her criminal case(s).

4. On or about December 5, 2019 Dominguez submitted a Form S-150 which included a statement regarding her criminal history. (Exhibit 3) Dominguez included information regarding the criminal cases, obtained from the court(s).

5. Dominguez participated in a telephone interview with the Board's Individual License Evaluator, Linda Blasi (LBlasi)

6. LBlasi completed an Investigation Summary. (Exhibit 4)

7. LBlasi concluded that Dominguez failed to express wrongfulness for the behaviors leading to the criminal charges, failed to provide character references, and had a lengthy and extensive history of disregard for the law. LBlasi recommended Dominguez's application be denied.

8. The Board was unable to confirm Dominguez was registered as a Pharmacy Technician in the State of Colorado, as Dominguez had indicated on the application.

9. Dominguez testified she was certified as a Pharmacy Technician in Colorado in 2016 and had an associate degree in pharmacy practice. Dominguez testified that she was not required to register as a Pharmacy Technician in Colorado at the time¹ and that she was certified nationally.

10. Dominguez provided details about the criminal matters, expressing remorse for her actions. Dominguez testified that none of the convictions involved felonies and were not pharmacy related. Dominguez testified that she had not drank alcohol since 2013.

Applicable Statutes, Regulations and Policies

“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.” K.S.A. 65-1663(f)(1).

“The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.” K.S.A. 65-1627(a).

¹ Colorado only began requiring pharmacy technicians to obtain a certification or provisional certification from the State Board of Pharmacy on or after March 30, 2020.

Unprofessional conduct is defined as “(7) conduct likely to deceive, defraud or harm the public.” K.S.A. 65-1626(uuu).

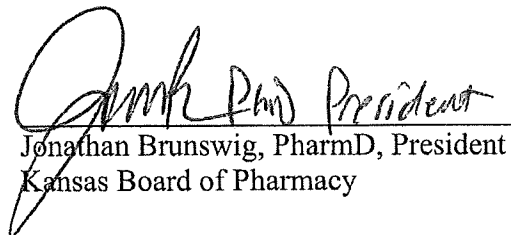
Decision

The Board questioned Dominguez’s professionalism, character and fitness. The Board also considered the testimony provided by Dominguez.

The Board voted 5-0 to approve Dominguez’s application for a pharmacy technician registration number. Approval was granted subject to Dominguez being placed on probation for a period of two (2) years. The terms of Applicant’s probation are as follows:

- Notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Inform employers of the probationary status of her pharmacy technician registration;
- Obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Comply with all rules and regulations of the Pharmacy Practice Act, including but not limited to updating the Board of any criminal offenses and notifying the Board of any changes in contact information.

10/29/2020
Date


Jonathan Brunswig, PharmD, President
Kansas Board of Pharmacy

NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

Certificate of Service

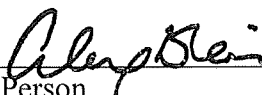
On October 29, 2020, I certify that a copy of the foregoing was placed in business mail, which is then placed in the United States first class mail, postage prepaid, addressed to:

Albert "Corrine" Dominguez
1801 SW Green Acres Ave.
Topeka, KS 66604

Randall Forbes
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy