

January 13, 2022

Laura Donmyer
255 N Columbia Ave
Salina KS 67401

RE: Case No. 22-028

Dear Ms. Donmyer:

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Laura Donmyer)
)
Registration No. 24-116519)

Case No. 22-028

SUMMARY ORDER

NOW, on this 13th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Laura Donmyer, (“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 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 November 15, 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 directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In conjunction with Applicant's Application, Applicant provided a personal statement and court records documenting four DUI offenses between 2010 and 2017, including a plea of "nolo contendere" to the fourth and final felony DUI offense, resulting in the Applicant serving a jail sentence. The records also documented a 2019 amended charge and conviction for interference with a law enforcement officer, for which Applicant served six months of unsupervised probation.

4. On January 10, 2022, the Board received an email from Applicant's proposed employer confirming Applicant's offered position as a pharmacy technician pending registration with the Board.

5. On or about January 13, 2021, the Board's individual licensing evaluator conducted a phone interview with Applicant during which Applicant provided the following additional information: Applicant was employed by UPS for 32 years and then retired, after which she was employed for brief periods at Fed-Ex, Blue Cross call center, Pfizer, Russel Stover's, Excide, and Dillon's.

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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license 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.

5. Though Applicant has completed all court-mandated requirements, acknowledges wrongfulness, and has taken steps toward improvement, her nearly 10-year pattern and practice of unlawful behavior as well as the brief length of time since her most recent offense would suggest that she is not yet fully rehabilitated to warrant the public trust in the pharmacy setting without additional oversight and supervision.

6. Applicant's repeated DUI offenses, including a felony DUI, are reasons to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2).

7. Applicant's repeated DUI offenses, including a felony DUI, as well as her 2019 interference with law enforcement offense are also unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED subject to a 3-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in contact information within 10 days of the date of change;
- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;

- Applicant is approved to be employed by the employer listed on Applicant's Application, but must notify the Board of any change in employment within 10 days of the change;
- Applicant must obtain written approval from the Board prior to accepting employment from any other Kansas-registered pharmacy;
- Applicant must inform employers of the probationary status of her pharmacy technician registration and provide a copy of this Order;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status and provide such documentation to the Board prior to beginning employment; 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.

1/13/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of January 2022, 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:

Laura Donmyer
255 N Columbia Ave
Salina KS 67401



Kansas Board of Pharmacy Staff