

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Sky Dye)
)
Applicant)

Case No. 23-263

SUMMARY ORDER OF DENIAL

NOW on this 14th day of June 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Sky Dye (“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 Summary Order of Denial in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 30, 2022, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of the application, Applicant answered “Yes” to the question: “Have you ever been 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.

3. In conjunction with Applicant's Application, Applicant submitted an S-150 that indicated Applicant had been convicted of domestic battery and had an upcoming court date.

4. The Board received information regarding an October 2022 domestic battery, knowing or reckless bodily harm to family member offense against Applicant.

5. On January 4, 2023, the Board sent a letter to Applicant's address of record requesting a more detailed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

6. On February 1, 2023, the Board sent a second letter to Applicant's address of record requesting this information.

7. On February 9, 2023, the Board received a handwritten note from the Applicant and a brief case summary printout regarding the 2022 Domestic battery case.

8. On March 2, 2023, the Board received an email from Applicant inquiring as to the status of Applicant's Application, adding that Applicant was not able to retrieve court documents as her case was pending. In response, the Board provided a list of court documents, police reports, tickets, pleas, or other charging documents that should be available and would be required for completion of Applicant's Application.

9. On March 30, 2023, the Board mailed and emailed a Final Notice to Applicant's address of record requesting certified court documents regarding the October 2022 offense.

10. On April 26, 2023, the Board received the Final Notice letter back as returned mail.

11. To date, the Board has not received a more detailed S-150 Personal History form from Applicant, certified court documents, or any further correspondence.

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

3. Applicant's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES

The Applicant is hereby notified as follows:

1. The 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.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of June 2023 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:

Sky Dye
1201 S. Paige St. #303
Wichita, KS 67207

Kansas Board of Pharmacy Staff