

October 28, 2021

SAMIRA ENCHIR
771 S KELLER ST, APT 315
OLATHE, KS 66061

RE: Case No. 21-199

Dear Ms. Enchir:

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. In addition, a civil fine has been assessed totaling \$300. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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)
)
Samira Enchir)
)
Registration No. 14-102485)

Case No. 21-199

SUMMARY ORDER

NOW, on this 28th day of October 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Samira Enchir, (“Respondent”).

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 investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-102485 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about April 7, 2021, the Board received information regarding a domestic battery charge and a criminal damage to property charge that had been laid against Respondent in March of 2021.
3. On April 12, 2021, the Board mailed a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”), as well as certified copies of the court pleadings from the case. Respondent did not respond to the Board’s request.

4. On May 5, 2021, the Board sent a second letter, both to Respondent's physical address as well as to her email address of record, again requesting a completed S-150 along with court records to support the case.

5. On May 20, 2021, the Board received from Respondent a brief S-150 statement noting she had been granted a twelve-month diversion with informal supervision. Also included were a letter from Respondent's attorney and a letter from the District Attorney, both stating the same.

6. On May 21, 2021, the Board emailed Respondent to request she provide a more detailed S-150 on the events surrounding her arrest, as well as provide arrest and diversion paperwork, giving Respondent until May 31, 2021, to provide such to the Board. Respondent did not respond to the Board's request.

7. On August 26, 2021, the Board sent Respondent a third letter, again requesting a more detailed S-150 to be accompanied by related arrest and diversion documents, with a final submission deadline of September 24, 2021.

8. On August 26, 2021, the Board received from Respondent an email containing the court order of diversion and the diversion agreement. The more detailed S-150 statement requested by the Board was not provided, nor any arrest documents. Respondent's diversion documents indicated that she will be serving diversion through May of 2022, and is required by such to have scheduled a Domestic Violence Assessment and to have enrolled in Parenting Classes.

9. To date, the Board has received from Respondent no further S-150 detailing the circumstances surrounding her March 2021 criminal charges.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the State Board of Pharmacy.

2. Pursuant to K.S.A. 65-1663, the Board may take action against 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.

3. Pursuant to K.S.A. 65-1627(a)(2), the Board may take action against 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.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may take action against the license of any pharmacist who has been found by the Board to be guilty of unprofessional conduct.

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

6. 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.

7. Respondent's criminal battery and damage charges are a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2) as she is currently serving to divert her conviction and is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

8. Respondent's criminal incident is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3) and K.S.A. 65-1626(uuu), as her misconduct may carry the potential to place the public at risk from within the pharmacy setting. To prevent such harm, any registration held by Respondent should be carefully supervised and scrutinized to ensure the protection of the public.

9. Respondent's failure to supply the Board with the requested S-150 document disclosing the nature of her misconduct during her criminal incident is a violation of K.S.A. 65-1627(a)(15), and a basis to fine Respondent pursuant to K.S.A. 65-1658.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's pharmacy technician registration is hereby PLACED ON A 2-YEAR PROBATIONARY STATUS, as well as subjected to the PAYMENT OF A \$300 FINE, for the violations. Respondent has 30 days from the date of this order to pay the \$300 fine. The terms of Respondent's probation are as follows:

- Respondent must remain in compliance with her court diversion, and notify the Board of any change in her diversion or court status within 10 days of the change;
- Respondent must notify the Board of any further arrest or criminal charge within 10 days of the date of such arrest or charge;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;

- Respondent must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.

10/28/2021

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of October 2021, 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:

SAMIRA ENCHIR
771 S KELLER ST, APT 315
OLATHE, KS 66061



Kansas Board of Pharmacy Staff