

October 19, 2021

MELODY EVERHART
5790 NE 58th TER
EL DORADO, KS 67042

RE: Case No. 21-158

Dear Ms. Everhart:

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)
)
Melody Everhart)
)
Registration No. 24-114857)

Case No. 21-158

SUMMARY ORDER

NOW, on this 19th day of October 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Melody Everhart, (“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 May 17, 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. As part of the application, Applicant certified that the information she provided was true, correct, and complete to the best of her knowledge.

4. On her Form S-150, Applicant briefly noted several bad check charges from 2018, but that all fines had been paid and the charges dismissed. Applicant included relevant court documentation to support this narrative.

5. On or about May 24, 2021, the Board received information regarding additional charges laid against Applicant in 2003 for battery and driving while suspended and with no insurance, and in 2019 for battery, disorderly conduct, and child endangerment.

6. On May 26, 2021, the Board mailed Applicant a letter requesting that on or before June 28, 2021, Applicant provide a more thorough Form S-150 regarding these offenses, as well as certified copies of the court pleadings from each case.

7. On June 28, 2021, the Board received an email from Applicant requesting extension of the deadline by which to provide the requested documents. The Board immediately replied to extend Applicant's deadline out to July 28, 2021.

8. On July 26, 2021, the Board received the requested documentation, along with several letters of reference. Applicant's personal statement and court records detailed that Applicant had served diversion following a plea agreement for the 2003 battery offense, and that the 2019 charges were dismissed without prejudice once witness statements showed the allegations to be unsubstantiated.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may limit 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)(1), the Board may discipline the license of any pharmacist upon a finding that the licensee has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Applicant's failure to disclose her 2003 and 2019 criminal charges on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to discipline any registration granted to Applicant pursuant to K.S.A. 65-1627(a)(1).

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 court status within 10 days of the change;
- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; 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.

10/19/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19th 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:

MELODY EVERHART
5790 NE 58th TER
EL DORADO, KS 67042



Kansas Board of Pharmacy Staff