

January 24, 2022

MARCI FLOYD
802 S CEDAR #1
OTTAWA, KS 66067

RE: Case No. 22-003

Dear Ms. Floyd:

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)
)
Marci Floyd)
)
Applicant)

Case No. 22-003

SUMMARY ORDER OF DENIAL

NOW, on this 24th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Marci Floyd (“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 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 10, 2021, 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 “NO” to the question: *Have you ever 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”, they must attach a Form S-150: Personal History (“S-150”).

3. As part of the Application, Applicant certified that the information provided was true, correct, and complete to the best of her knowledge.

4. Subsequently, the Board received background information regarding DUI charges which had been laid against Applicant in February 2005, January 2007, and July 2011.

5. The Board then sent a letter to Applicant's address of record requesting a completed S-150 on the incidents, as well as certified copies of the court pleadings from each case. Applicant did not respond to the Board's request.

6. On June 3, 2021, the Board sent another letter to Applicant's address of record again requesting the completed S-150.

7. On June 10, 2021, the Board received an email from Applicant stating that she had never been found guilty of a felony, and attaching a phone screen shot of Johnson County Court public records regarding her 2011 DUI case finding as *not guilty*.

8. On July 1, 2021, the Board responded to Applicant's email, stating its receipt of the screen shot, but that she had yet to provide the S-150 or certified copies of court documents for each case, so that the Board could consider the Application complete and review it.

9. On July 7, 2021, Applicant replied to the Board's email response, stating she would have the documents in a few minutes.

10. On August 26, 2021, as the Board had still not received the requested documents from Applicant, the Board sent yet another letter to Applicant's address of record, once again requesting a completed S-150 and certified court documents to support each DUI incident. Applicant did not respond to this request by the Board.

11. On September 28, 2021, the Board sent a final letter Applicant's address of record, requesting her S-150 and court records one final time.

12. To date, the Board has received from Applicant neither an S-150 nor certified court documentation, nor any further correspondence since the time of her email on July 7, 2021.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(f)(1), the Board may deny an application for issuance 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)(1), the Board deny an application of any 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. Pursuant to K.S.A. 65-1627(a)(3), the Board deny an application of any license of any pharmacist who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(vvv), unprofessional conduct includes conduct likely to deceive or harm the public, or fraud in securing a registration.

5. Applicant did not disclose any of her criminal history on the Application, despite the fact that she had three times been criminally charged with driving under the influence.

6. Applicant's failure to disclose her criminal history on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1) and K.S.A. 65-1627(a)(3).

7. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application of any license of any pharmacist upon a finding that the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

8. Applicant's failure to supply the Board with the requested documents needed to complete her Application is a basis to deny her Application pursuant to K.S.A. 65-1627(a)(15).

SUMMARY ORDER OF DENIAL

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. 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

1/24/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th 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:

MARCI FLOYD
802 S CEDAR #1
OTTAWA, KS 66067



Kansas Board of Pharmacy Staff