

May 4, 2021

JAE FONSECA  
4101 E US HWY 50, #31  
GARDEN CITY, KS 67846

RE: Case No. 21-027

Dear Ms. Fonseca:

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Jae Fonseca )  
 )  
Registration No. 24-113223 )

Case No. 21-027

**SUMMARY ORDER**

NOW, on this 4th day of May 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jae Fonseca, (“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 October 28, 2020, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “NO” 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. Though she had indicated “NO”, Applicant did include a brief two-sentence statement noting a plea of “guilty to LEO.” No supporting documentation was included.

4. As part of the application, Applicant certified that her Form S-150 was true, correct, and complete to the best of her knowledge.

5. On or about November 2, 2020, the Board received information regarding multiple misdemeanor charges against Applicant spanning from 2010 to 2018. These charges included but were not limited to: giving false information; failing to stop at an accident; domestic battery; and interference with a law enforcement officer.

6. On November 13, 2020, the Board mailed to Applicant’s address of record a letter requesting a more thorough Form S-150 to include all charges, as well as certified copies of the court pleadings from all cases.

7. On December 8, 2020, the Board received and granted Applicant’s request for extension of the deadline by which to submit the requested documents.

8. On January 4, 2021, the Board received Applicant’s court documents. The Form S-150 included only a sentence stating that Applicant had attached all documents of her disciplinary history.

9. On January 4, 2021, the Board sent an email to Applicant that, as the requested more thorough Form S-150 had not yet been received, her application was still incomplete.

10. On January 6, 2021, the Board received the requested Form S-150, as well as a letter of recommendation. All of Applicant’s documents were then subsequently forwarded to the Board’s Individual License Evaluator for review.

## 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)(1), the Board may place in a probationary status the license of any pharmacist who 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 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, defraud, or harm the public.

5. Applicant's history of legal involvement is extensive and recent in nature. She failed to initially divulge this full history upon her application, though she had certified otherwise. Applicant's history of criminal offenses was divulged only after repeated requests by the Board for her to do so.

6. Applicant's failure to disclose her extensive criminal history on her application, after having certified as to its completeness, is a misrepresentation and violation of K.S.A. 65-1627(a)(1), and a basis to place Applicant's registration in a probationary status.

7. Applicant's criminal offenses constitute unprofessional conduct with potential to harm the public if not known and carefully monitored, and are 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 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in her court status or her status with law enforcement 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.

5/4/2021

\_\_\_\_\_  
Date


*Alex Blasi*

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of May 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:

JAE FONSECA  
4101 E US HWY 50, #31  
GARDEN CITY, KS 67846

  
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Kansas Board of Pharmacy Staff