

February 15, 2023

Jae Fonseca
4101 E US Hwy 50, #31
Garden City KS 67846

RE: Case No. 23-030

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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

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

Case No. 23-030

SUMMARY ORDER OF REVOCATION

NOW on this 15th day of February, 2023 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jae Fonseca (“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 of Revocation 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. The Board has issued Respondent Pharmacy Technician Registration Number 24-113223 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On May 4, 2021, the Board issued Respondent a Summary Order in case number 21-027, incorporated herein by reference, granting Respondent’s Registration subject to a 2-year probation status. The Summary Order became final effective on May 24, 2021. Among other things, the probation terms included: “Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge.”

3. On or about November 15, 2022, the Board received information regarding a November 2022 domestic battery, knowing or reckless bodily harm to family member offense.

4. On November 16, 2022, the Board sent a letter to Respondent's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case. Respondent did not respond to the Board's request.

5. On January 10, 2023, the Board sent a second letter to Respondent's address of record requesting this information.

6. To date, the Board has not received a completed S-150 Personal History form from Respondent or any 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. That pursuant to K.S.A. 65-1627 (a)(16), the Board may take action against the license of a pharmacist if the licensee has violated or failed to comply with any lawful order or directive of the board.

4. Respondent'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 revoke Respondent's Registration.

5. Respondent's failure to notify the Board of the November 2022 domestic battery arrest offense within 10 days is a failure to comply with Board Summary Order 21-027 and the terms of Respondent's probation in violation of K.S.A. 65-1627(a)(16) and a basis to revoke Respondent's Registration.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.

NOTICES

The Respondent is hereby notified as follows:

1. The 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.

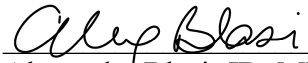
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

2/15/2023

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15th day of February, 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:

Jae Fonseca
4101 E US Hwy 50, #31
Garden City KS 67846



Kansas Board of Pharmacy Staff