

Filed By  
MAR 15 2018  
KANSAS BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Destinee Frazier )  
14-104798 )  
\_\_\_\_\_ )

Case No. 18-028

**SUMMARY ORDER OF DENIAL**

NOW on this 15 day of March, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Destinee Frazier, ("Applicant"), for her 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 of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

**FINDINGS OF FACT**

For purposes of this order, the Board's Executive Secretary makes the following findings of fact:

1. On or about January 12, 2018, 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.

3. Application materials indicate Applicant had been arrested for felony unlawful possession of tool to remove theft detection device, misdemeanor theft, and interference with a law enforcement officer on September 1, 2017.

4. On or about January 23, 2018, the Board sent Applicant a letter requesting she submit a completed S-150 Personal History Form explaining her previous criminal history.

5. On or about February 12, 2018, the Board received Applicant's completed S-150 Form explaining the September 1, 2017 offenses.

#### 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 deny the granting of a license to an applicant 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)(2), the Board may deny the granting of a license to an applicant who has been convicted of a misdemeanor involving moral turpitude or gross immorality or any felony and the applicant fails to show that the applicant has been sufficiently rehabilitated to warrant the public trust;

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an applicant who has been found guilty of unprofessional conduct.

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

6. Applicant's answer of "No" regarding her previous criminal history on her Application is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to 65-1627(a)(1).

7. Applicant's arrests for felony unlawful possession of tool to remove theft detection device, misdemeanor theft, and interference with a law enforcement officer, and her failure to show she has been sufficiently rehabilitated to warrant the public trust are bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

8. Applicant's arrests for felony unlawful possession of a tool to remove theft detection device, misdemeanor theft, and interference with a law enforcement officer are unprofessional conduct and bases to deny Applicant's Application pursuant to 65-1627(a)(3).

9. Applicant's recent disregard for the law poses a danger to the public in the pharmacy setting, and is a basis to deny Applicant's Application.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

#### NOTICES

Applicant is hereby notified as follows:

10. 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.

11. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.


12. 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.

13. 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.


3/15/18  
Date

  
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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 15 day of March, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Destinee Frazier  
4037 Oakland Avenue  
Kansas City, KS 66102

  
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Kansas Board of Pharmacy Staff