

Holly L. Fisher, KS Bar #24023
Kansas State Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612
(785) 296-4056 (tel.)
(785) 296-8420 (fax)
holly.fisher@pharmacy.ks.gov

Filed
DEC 06 2011
KANSAS STATE
Board of Pharmacy

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of)
Ysa Monique Gallardo, for a) Case No. 11-171
Pharmacy Technician Registration.)

SUMMARY ORDER

NOW this 6th day of December, 2011, the above captioned matter comes before the Kansas State Board of Pharmacy ("Board") on the application of Ysa Monique Gallardo ("Defendant") for a Pharmacy Technician Registration. After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following Summary Order:

FACTS

1. Defendant is a resident of 2860 S. Richmond Ct., Apt. 1, Wichita, Kansas 67217.
2. The Board has the authority to grant Defendant a Pharmacy Technician Registration.
3. On November 2, 2011, Defendant applied for a Pharmacy Technician Registration with the Board.
4. The Board's application for a Pharmacy Technician Registration ("Application") states the following: "If you do not fully and truthfully report your history, your application will be denied and/or you will be subject to other sanctions."

5. Part IV of the application for Pharmacy Technician Registration (“Application”) asks: “Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged?” Defendant responded “YES.”

6. The Application further states: “. . . if the answer is ‘Yes’ to any part of these questions, you must provide a notarized written detailed explanation of the circumstances.

7. Defendant provided an explanation to her “YES” response to the above question, stating that she received a speeding ticket in Butler County, Kansas in 2009.

8. The Kansas Bureau of Investigation did a criminal background search on Defendant and provided the Board with an Abstract of Criminal History, more commonly known as the RAP Sheet.

9. Defendant’s RAP Sheet documents that on October 30, 2011, Defendant was arrested and/or charged by the Wichita Kansas Police Department with Driving under the influence of alcohol or drugs, misdemeanor, violation of K.S.A. § 08-1567 and Improper driving on laned roadway, violation of K.S.A. § 08-1522.

CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board’s Investigation Member makes the following conclusions of law and fact:

1. Defendant applied to the Board for a Pharmacy Technician Registration.
2. On October 30, 2011, Defendant was arrested and/or charged by the Wichita Kansas Police Department with Driving under the influence of alcohol or drugs, misdemeanor, violation of K.S.A. § 08-1567 and Improper driving on laned roadway, violation of K.S.A. § 08-1522.

3. Part IV of the application for Pharmacy Technician Registration asks: "Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged?" Defendant responded "YES."

4. The Application further states: ". . . if the answer is 'Yes' to any part of these questions, you must provide a notarized written detailed explanation of the circumstances.

5. Defendant provided an explanation to her "YES" response to the above question, stating that she received a speeding ticket in Butler County, Kansas in 2009.

6. Pursuant to K.S.A. § 65-1663(e)(1), 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.

7. Pursuant to K.S.A. § 65-1627(a)(15), the Board may deny a license when "(15) the licensee has failed to provide the board, its investigators any information legally requested by the board."

8. Defendant failed to amend her application by disclosing her arrest as legally requested by the Board in its Application for Pharmacy Technician Registration.

9. On December 5, 2011, the Board received Defendant's signed, notarized statement regarding the circumstances of her arrest.

WHEREFORE, the Board, having considered the facts and law, hereby GRANTS Defendant's application for Pharmacy Technician Registration under indefinite probationary status under the terms stated in the Order below.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Defendant is hereby GRANTED a Pharmacy Technician Registration pursuant to K.S.A. § 65-1627a, under indefinite probationary status under the following terms:

1. Defendant must notify the Board of the outcome of any charges, convictions, diversions, dismissals, or other results stemming from her October 30, 2011 arrest for Driving under the influence of alcohol or drugs;
2. Defendant must notify the Board of any changes to her name, address, telephone number and/or employment status within thirty (30) days of any such change;
3. Defendant must affirmatively seek the Board's release of probationary status in order for her registration to be unencumbered.

NOTICES

Defendant is hereby notified as follows:

1. Defendant may request a hearing pursuant to the Kansas State Administrative Procedures 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 Summary 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 § 77-613. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612.

IT IS SO ORDERED.

11-25-2011

Date

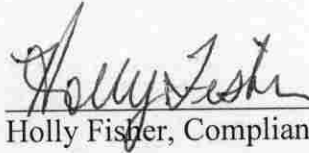


David R. Schoech

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6th day of December, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Ysa M. Gallardo
2860 S. Richmond Ct., Apt. 1
Wichita, KS 67217.



Holly Fisher, Compliance Counsel