

Filed By

OCT 29 2020

KANSAS STATE  
BOARD OF PHARMACY

**BEFORE THE KANSAS BOARD OF PHARMACY**

In the Matter of

**Cindy Gallegos**

Case No. 19-469

**FINAL ORDER**

**Decision**

The Kansas Board of Pharmacy (Board) has carefully considered the evidence presented and reviewed the applicable statutes, regulations and policies, and hereby denies the application by Cindy Gallegos (Gallegos) for a pharmacy technician registration number.

**Statement of Case**

This matter comes on for hearing on this the 3<sup>rd</sup> day of September 2020, before the Board upon the request by the investigative member of the Board that Gallegos's September 30, 2019 application be presented to the entire Board for consideration.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph (appeared by video conference); Tiffany Strohmeier, PharmD; Andrew Truong, PharmD; and, Erick Axcell, PharmD.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Gallegos appeared in person by video conference and *pro se*.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

### **Evidentiary Rulings**

The Board offered Exhibits 1 through 5 for admission as evidence. Gallegos had no objection to admission of Exhibits 1 through 5. Board's Exhibits 1 through 5 were admitted.

### **Findings of Fact**

1. On September 30, 2019 the Board received a Registration Application from Gallegos seeking a Pharmacy Technician registration number permitting Gallegos to operate as a pharmacy technician in the State of Kansas. (Exhibit 1) On the application, Gallegos was asked if she had been convicted of a criminal offense or is there a criminal charge now pending against her in any state or federal court whether or not a sentence was imposed, suspended, or diverted. Gallegos responded by marking "No."

2. The Board obtained information regarding three (3) cases involving criminal charges against Gallegos.

3. On October 9, 2019 the Board sent a letter to Gallegos requesting additional information on criminal charges. (Exhibit 2) Gallegos was asked to complete and submit a Form S-150 and to include certified copies of court documents related to her criminal case(s).

4. On November 25, 2019 a Second Request was sent to Gallegos requesting information concerning the three (3) criminal charges, as well as a completed S-150 and certified copies of court pleadings. (Exhibit 3)

5. On February 3, 2020 a Final Request was sent to Gallegos requesting information concerning the three (3) criminal charges, as well as a completed S-150 and certified copies of court pleadings. (Exhibit 4)

6. On March 16, 2020 the board issued a Summary Order of Denial, denying Gallegos' application for a Pharmacy Technician Registration due to her failure to provide the

requested documentation. (Exhibit 5)

7. Gallegos testified she did mark “No” because she did not understand the question. Gallegos testified she would provide all information requested but had not provided the information as of the date of the hearing.

**Applicable Statutes, Regulations and Policies**

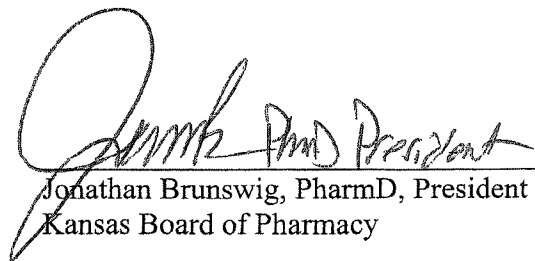
“The board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground, which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.” K.S.A. 65-1663(f)(1).

“The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.” K.S.A. 65-1627(a).

**Decision**

The Board considered that Gallegos had failed to submit the requested documentation regarding her criminal history. The Board voted 5-0 to deny Gallegos’s application for a pharmacy technician registration number. Because Gallegos did not prevail, she is also ordered to pay the costs of the hearing in the amount of \$550.63 pursuant to K.S.A. 65-1627h.

10/29/2020  
Date

  
Jonathan Brunswig, PharmD, President  
Kansas Board of Pharmacy

## NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

**Certificate of Service**

On October 29, 2020, I certify that a copy of the foregoing was deposited in business mail, which is then placed in the United States first class mail, postage prepaid, addressed to:

Cindy Gallegos  
2307 N. Crestline Ct.  
Wichita, KS 67205

Randall Forbes  
Frieden & Forbes, LLP  
1414 SW Ashworth Place, Ste 201  
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244



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Staff Person  
Kansas Board of Pharmacy