

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
MAY 22 2015
KANSAS STATE
BOARD OF PHARMACY

In the Matter of

Kandyce Glenn

Case No. 15-019
OAH No. 15BP0014

FINAL ORDER

Statement of Case

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) upon the Corrected Summary Order of the Board to deny the application of Kandyce Glenn (applicant) for registration as a Kansas pharmacy technician.

The hearing in this matter was held on April 24, 2015. Appearing for the Board were: President, Robert Haneke, PharmD; Vice President, Chad Ullom, R.Ph.; and members, James Garrelts, PharmD; Michael Lonergan, R.Ph.; David Schoech, R.Ph.; John Worden, PharmD; and Cheri Pugh.

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

The applicant failed to appear notwithstanding notice was sent to her and was not returned as undeliverable.

Findings of Fact

1. On January 20, 2015, the Board received the applicant's application for registration as a pharmacy technician in the State of Kansas (application).
2. As part of the application, the applicant answered "YES" to the question: "Have you ever been cited, 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, suspended, diverted or expunged?” The applicant identified a conviction for assault in 2000, a conviction for conspiracy to commit fraud in 2007, and a conviction for unlawful use of a credit card in 2004.

3. As part of the application, the applicant certified that the information provided was true, correct and complete, and that she understood that withholding relevant information was grounds for denying her application.
4. However, the applicant’s criminal history provided to the Board by the Kansas Bureau of Investigation revealed that in 2013, the applicant was charged with and convicted of the crime of possession of a hallucinogenic drug.
5. On February 12, 2015, the Board issued a Summary Order of Denial.
6. The applicant timely requested a hearing.
7. On March 3, 2015, the Board issued a Corrected Summary Order of Denial.

Applicable Law
and
Discussion

1. 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. The Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).
3. K.S.A. 65-1626(ccc)(1) defines unprofessional conduct to include fraud in securing a registration or permit.

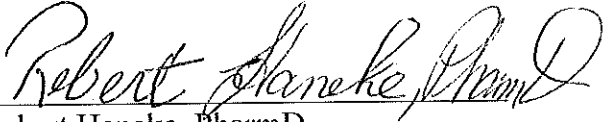
4. The Applicant's failure to disclose the criminal conviction identified in paragraph 4 above, is an attempt to obtain a registration by fraud and is a basis to deny her application.

Order

1. Based on the foregoing, the Board denies the application submitted by the applicant for registration as a Kansas pharmacy technician.
2. In addition, the costs of this proceeding are assessed against the applicant pursuant to K.S.A. 65-1627h. The amount of costs is \$419.20 and shall be paid to the Kansas Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, KS 66612-1244, within 30 days of the effective date of this Order.

IT IS SO ORDERED.

May 19, 2015
Date


Robert Haneke, 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:

Debra L. Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

On May 22, 2015, I mailed a copy of this document to:

Kandyce Glenn
2032 E. 24th Terr.
Kansas City, MO 64127

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl., Ste. 201
Topeka, KS 66604

and the original to:

Debra L. Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612-1244

Mitzi Dodds
Staff Person