

In the Matter of
Jessica Godwin
Technician 14-06046

Case No. 18-680

**NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER**

The above-captioned matter comes on for consideration by the Kansas State Board of Pharmacy (Board) to enter a Proposed Default Order.

The Board finds:

1. On May 22, 2019, the Board issued a Summary Order of Denial with regard to Jessica Godwin's Kansas pharmacist technician renewal application.
2. On June 4, 2019, Ms. Godwin requested an administrative hearing.
3. On July 29, 2019, a Notice of Administrative Hearing was served on Ms. Godwin, setting the hearing in this matter for September 12, 2019 at 9:00 a.m.
4. On August 26, 2019 an Amended Notice of Administrative Hearing was served on Ms. Godwin, setting the hearing in this matter for September 12, 2019 at 9:00 a.m. at a new location.
5. The notice specifically provided that "[a]ny party who fails to attend or participate in the hearing or in any other portion of the adjudicative process may be held in default pursuant to K.S.A. 77-520 and the Board may conduct further proceedings necessary for adjudication without the participation of the Respondent."
6. The hearing in this matter was convened on September 12, 2019 at 9:00 a.m. Ms. Godwin did not appear.
7. Ms. Godwin is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless Ms. Godwin files a written motion

with the Board at the address provided stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, Ms. Godwin's pharmacy technician renewal application shall be denied.
10. If the Proposed Default Order becomes effective, Ms. Godwin may petition for review by the Board within fifteen days thereafter. Failure to timely petition for review by the Board may preclude judicial review.
11. If this Proposed Default Order becomes effective and neither party requests further administrative review, it shall become a Final Order.
12. If this Proposed Default Order becomes a Final Order, any petition for judicial review must be filed within the deadline established in K.S.A. 77-613. Any petition for judicial review must be mailed or personally delivered to: Alexandra Blasi, Executive Secretary, Kansas State Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612.

The Board, being well and duly advised in the premises, now enters this Proposed Default Order against Ms. Godwin. It shall take effect as specified in the above findings.

9/13/19
Date

Alexandra Blasi
Alexandra Blasi, Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of September, 2019, deposit in business mail a copy of the foregoing Notice of Proposed Default Order and Proposed Default Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Jessica Godwin
311 E 1st St
McPherson, KS 67460

and a copy hand delivered to the Board file at:

Kansas Board of Pharmacy
Attn: Alexandra Blasi
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Staff Person

Filed By

MAY 21 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Jessica Godwin (Cheshire))
_____)

Case No. 18-680

SUMMARY ORDER OF DENIAL

NOW on this 21st day of May, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jessica Godwin, (“Applicant”), for her renewal application for a Kansas pharmacy technician registration.

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 October 24, 2018, the Board received Applicant’s renewal application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

2. As part of Applicant’s Application, she attached a Personal History Form S-150, disclosing that she had been convicted of theft by deception since her last renewal. Upon investigation, the Board learned that the conviction occurred in August of 2016. At the time of

the conviction, Applicant had been on diversion for driving under the influence of alcohol in March 2016, which was revoked for a period of time due to this conviction. The diversion was later reinstated for the DUI offense.

3. On or about November 1, 2018, the Board mailed Applicant a letter, requesting she submit a Form S-100 and associated fees for a background check. Applicant provided this requested documentation.

4. On or about April 23, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant. During that phone interview, the Board learned that the theft by deception charge resulted from Applicant's conduct in her role as a pharmacy technician. Applicant explained that, while working as a pharmacy technician at Walmart, she manipulated prescriptions in the system when customers paid cash to put money on gift cards for herself. The phone conversation also revealed that Applicant had completed her diversion for the DUI offense, as well as probation for the theft offense; however, Applicant is still in the same financial position that led her to committing the theft. Applicant stated that she feels she wronged the patients she stole from, but demonstrated no remorse toward her previous employer, Walmart. The Board learned Applicant has not been forthcoming with her present employer, Walgreens, regarding the previous charges and convictions.

CONCLUSIONS OF LAW

5. 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.

6. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny the application of a pharmacist if the licensee has been convicted of a misdemeanor involving moral turpitude or gross immorality or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

7. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the application of a pharmacist if licensee is found by the Board to be guilty of unprofessional conduct.

8. Pursuant to K.S.A. 65-1626(ttt), unprofessional conduct includes conduct likely to harm the public.

9. Applicant's previous conviction for theft by deception is a misdemeanor involving moral turpitude or gross immorality. Due to the phone conversation revealing that Applicant had not disclosed the offense to her current employer, as well as the fact that she indicated she is in the same financial position that led her to committing the theft, the Board determined Applicant has not proven she is sufficiently rehabilitated to warrant the public trust, which is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

10. Applicant's previous arrest for driving under the influence of alcohol and her theft by deception arrest and conviction are unprofessional conduct and bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

11. Applicant's conviction for theft by deception that took place in the course of her employment as a pharmacy technician is a danger to the public in the pharmacy setting, where pharmacy technicians have access to controlled substances, as well as substantial amounts of cash, and is a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Renewal Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

12. 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.

13. 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.


14. 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.

15. 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.

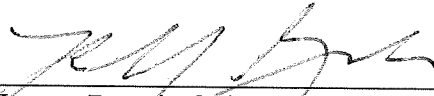
5/21/19
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of May, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

JESSICA GODWIN
311 E 1ST STREET
MCPHERSON, KS 67460



Kansas Board of Pharmacy Staff