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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 15, 2022

Kathryn Gourdon  
PO Box 404  
Lucas KS 67648

RE: Case No. 21-054

Dear Ms. Gourdon:

Enclosed you will find a Final Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, administrative costs have been assessed totaling \$1,610. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 21-054

**Kathryn Gourdon**

**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 affirms the November 9, 2021 Summary Order of Denial denying Kathryn Gourdon's (Gourdon) application for a pharmacy intern registration number.

**Statement of Case**

This matter comes on for hearing on February 2, 2022 before the Board upon the request by Gourdon for a hearing to review the Summary Order of Denial denying Gourdon's application for a pharmacy intern registration in the State of Kansas.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Erick Axcell, PharmD ; Andrew Truong, PharmD; and, Lucinda Noches Talbert, Public Member

Brenda Head appeared as the Board's disciplinary counsel.

Gourdon appeared in person by video conference and without counsel.

Alexandra Blasi, Executive Secretary for the Board, and Linda Blasi, Investigator, appeared and provided testimony for the Board.

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 6 for admission as evidence. Gourdon had no objection to admission of Exhibits 1, 3, 4, 5 and 6. The Board's Exhibits 1, 3, 4, 5 and 6 were admitted. Gourdon objected to Exhibit 2 on the basis of the relevancy of the information contained within the exhibit. The ALJ took the objection under advisement, subject to testimony by the author of the report contained in Exhibit 2. Exhibit 2 was admitted over the objection by Gourdon.

Upon the request by Disciplinary Counsel for the Board, Exhibits 1, 2 and 3 were sealed because they contain personal and confidential information.

### **Findings of Fact**

1. On February 1, 2021 the Board received a Registration Application from Gourdon seeking a Pharmacy Intern registration number permitting Gourdon to operate as a pharmacy intern in the State of Kansas. On the application, Gourdon was asked if she had been charged or convicted of a criminal offense or is there a criminal charge now pending against you in any state or federal court whether or not a sentence was imposed, suspended, or diverted. Gourdon responded by marking "Yes." Gourdon included the required Form S-150: Personal History, with a statement concerning the charges and conviction(s) or diversion(s). Gourdon included documentation concerning the issuance of her pharmacy intern registration in the State of Nebraska, as well as letters of reference that appear to have been written in support of the application submitted to the State of Nebraska. Gourdon also included copies of documents from the Lincoln County District Court, case number 16-CR-000073, concerning criminal convictions for felony theft. (Ex. 1).

2. Gourdon's application was sent to the Board's investigative committee and assigned to Linda Blasi for review and investigation.

3. Linda Blasi reviewed Gourdon's criminal history and identified the Lincoln County District Court felony conviction. Linda Blasi also learned of a driving under the influence charge in the State of California in 2011 that resulted in a reckless driving involving alcohol conviction, also described by Gourdon as "wet driving." (Ex. 2).

4. Regarding the 2016 felony theft convictions, Gourdon explained she had experienced financial hardship after a recent divorce. Gourdon stated she had approached her boss about a recent foreclosure notice on her home and her boss "placed a hand on [her] leg and said we could work something out." Gourdon then obtained a pre-signed check from the business and used it, presumably to pay her mortgage to avoid foreclosure. Gourdon had utilized business financial cards to make additional purchases for her own benefit. On September 15, 2016 Gourdon was charged with eleven counts of misdemeanor criminal use of a financial card, and three (3) felony counts of theft. On December 7, 2016 Gourdon was convicted of two (2) counts of felony theft as part of a plea deal. The remaining twelve (12) counts were dismissed. Gourdon was placed on twelve (12) months' probation, which was terminated on December 18, 2017. (Ex. 1).

5. Gourdon testified she had not taken the money from the business with malice, but because she thought they had an understanding with her boss, and she was making payments to the business out of her paycheck to pay the money back. Gourdon testified that when she raised the question of sexual harassment with her boss he threatened to take have her children taken from her, among other things. Gourdon never made a report regarding the alleged sexual harassment.

6. Gourdon testified she took full responsibility for her actions and has completed probation and paid the fines off early.

7. Linda Blasi indicated that the Board had requested documents regarding the State of California driving under the influence charges and reckless driving involving alcohol conviction. However, Gourdon did not provide the requested documentation. (Ex. 2).

8. Linda Blasi testified she had spoken to Gourdon regarding her education. Gourdon had reported she was attending Creighton University's pharmacy "distance class program." There was confusion regarding terminology Gourdon had utilized in describing the activities she had engaged in. Gourdon initially indicated she had participated in "rotations" in Kansas, but then corrected herself to indicate she had "shadowed" in Kansas and had not completed any rotations. (Ex. 2).

9. Gourdon testified she was set to graduate in 2021 and was applying for a pharmacy intern registration in Kansas because she wanted to practice in Kansas. Gourdon is using her State of Nebraska intern registration to complete the required rotations in the State of Nebraska during the summer of 2022.

10. Having reviewed the Investigation Summary and considered the matter, the Board issued a Summary Order of Denial on November 9, 2021 advising that Gourdon's application for a pharmacy intern registration was denied. (Ex. 4).

11. On or about November 13, 2021 Gourdon made a timely request for an administrative hearing concerning the November 9, 2021 Summary Order of Denial. (Ex. 5).

### **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."<sup>1</sup>

"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: 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."<sup>2</sup>

"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: the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board."<sup>3</sup>

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<sup>1</sup> K.S.A. 65-1663(f)(1).

<sup>2</sup> K.S.A. 65-1627(a)(2).

<sup>3</sup> K.S.A. 65-1627(a)(15).

## Decision

The Board considered that there had not been enough time that had passed since Gourdon's conviction for felony theft, and that as a pharmacy intern, Gourdon would have several opportunities to engage in the same or similar conduct and would not be prevented from engaging in similar conduct if the opportunity presented itself. While the Board acknowledged Gourdon would be subject to supervision, it was also acknowledged that Gourdon would not be supervised all of the time.

The Board also noted that it had been requested that Gourdon provide documentation to the Board regarding the driving under the influence offense in California in 2011. Gourdon had not provided the information that had been requested.

The Board voted 4-2 to affirm the Summary Order of Denial and deny Gourdon's application for a pharmacy inter registration number. The Board incorporates herein by reference the Findings of Fact and Conclusions of Law set forth in the November 9, 2021 Summary Order of Denial in support of its decision. Because Gourdon did not prevail, she is also ordered to pay the costs of the hearing in the amount of \$1,610 pursuant to K.S.A. 65-1627h.

Mar 2, 2022

Date

*Dr. Jonathan W. Brunswig, PharmD*

Dr. Jonathan W. Brunswig, PharmD (Mar 2, 2022 11:06 CST)

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.<sup>4</sup>
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.<sup>5</sup> 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

<sup>4</sup> K.S.A. 77-529.

<sup>5</sup> K.S.A. 77-613.

**Certificate of Service**

On March 15, 2022, I certify that a copy of the foregoing was placed in business mail to be deposited in the United States first class mail, postage prepaid, addressed to:

Kathryn Gourdon  
P.O. Box 404  
Lucas, KS 67648

Brenda Head  
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