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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

September 27, 2022

Brionnah Hall  
1364 Rd 75  
Olpe KS 66865

RE: Case No. 22-122

Dear Ms. Hall:

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.

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. 22-122

**Brionnah Hall**

**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 grants the application of Brionnah Hall (Hall) for a Kansas pharmacy technician registration number.

**Statement of Case**

This matter comes on for hearing on August 25, 2022 before the Board upon the request by Hall for a hearing to review the Summary Order of Denial denying Hall's application for a Kansas pharmacy technician registration number.

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

Hall appeared via video conference without an attorney.

Appearing on behalf of Hall was Dyanna Napier (Napier).

Brenda Head appeared via video conference as the Board's disciplinary counsel.

Alexandra Blasi (ABlasi), Executive Secretary for the Board, and Linda Blasi (LBlasi), Public Service administrator and License Evaluator for the Board, each 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 7 for admission as evidence. Hall had no objection to admission of Exhibits 1 through 7. The Exhibits 1 through 7 were admitted.

Hall offered Exhibits A and B admission as evidence. The Board's disciplinary counsel had no objection to admission of Exhibits A and B. Exhibits A and B were admitted.

### Findings of Fact

1. On January 28, 2022 the Board received an application from Hall applying for a pharmacy technician registration number. The application contained pages 1 and 5 (missing 2, 3, and 4), an S-150 Form, and a Journal Entry of Plea and Sentencing from Dickinson County District Court, case number 20-CR-000006. The application was considered to be incomplete and was not processed by the Board. It was noted that Hall wrote about her time in treatment for alcohol dependency and her legal history in the S-150 Form that was attached. (Exhibit 1).

2. On January 31, 2022 the Board received another application from Hall. Hall answered "No" to the question if she had "been charged with or convicted of (includes plea of guilty or no contest) a criminal offense..." Hall responded "Yes" when asked if she had "been charged with or convicted of (includes plea of guilty or no contest) or charged with a violation of any federal or state drug law(s) or ruler(s) whether or not a sentence was imposed, suspended, or diverted." Hall also indicated she had been treated for a drug or alcohol addiction within the previous five (5) years. (Exhibit 2).

3. On February 8, 2022 Hall emailed a completed S-100 Form and documentation from Dickinson County District Court, case number 2020-CR-000006 and 2015-CR-000275. Hall also provided a photo of a letter of completion of an Alcohol Drug Education Class. (Exhibit 3).

4. In Dickinson County District Court, case number 2015-CR-000275, Hall was charged with possession of marijuana and possession of drug paraphernalia related to events that allegedly occurred on September 16, 2015. A Diversion Agreement was filed April 27, 2016 in case number 2015-CR-000275.<sup>1</sup> (Exhibit 3).

5. In Dickinson County District Court, case number 2020-CR-000006, Hall pled no contest to one charge of possession of drug paraphernalia, three (3) other charges: possession of marijuana, making a false report, and transport of an open container, were dismissed. Hall was sentenced to six (6) months in jail and was placed on unsupervised probation. (Exhibit 3).

6. Hall provided information that she had undergone treatment for alcohol dependency in March of 2018 and November of 2019.

7. LBlasi testified that she reviewed Hall's application and attached documentation; however, LBlasi did not interview Hall. LBlasi submitted an Investigative Summary.<sup>2</sup> LBlasi concluded that the application should be denied because of the recency of the most recent criminal offense and the extent of Hall's rehabilitation. LBlasi testified that she felt Hall needed more time.

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<sup>1</sup> No documentation was provided to indicate the terms of the Diversion Agreement had been met or that the matter had been dismissed.

<sup>2</sup> An error was noted within the Investigation Summary: LBlasi reported that Hall had pled no contest to possession of paraphernalia and interference with a law enforcement officer.

8. On May 23, 2022 a Summary Order of Denial was issued denying Hall's application for a Kansas pharmacy technician registration number finding that Hall's "pattern of drug-related criminal offenses and recent completion of probation for a drug-related offense are unprofessional conduct..." (Exhibit 5).

9. On or about June 2, 2022 Hall submitted a timely request for a hearing on the Board's Summary Order of Denial. (Exhibit 6).

10. Hall acknowledged she had a problem and testified that she works on her addiction every day and undergoes monthly therapy. Hall testified that she has been sober for two (2) years, since January of 2020. Hall acknowledged she had answered "yes" to question #8 and "no" to question #5 on the application, and suggested she was confused by the questions.

11. Napier testified that she has witnessed Hall working hard the past two (2) years to remain sober and that she had not seen Hall drink.

### **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>3</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: (2) 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; or (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency."<sup>4</sup>

"'Unprofessional conduct' means: (1) Fraud in securing a registration or permit; or (7) conduct likely to deceive, defraud or harm the public."<sup>5</sup>

### **Decision**

The Board considered the questions answered by Hall and recognized the possibility for confusion. The Board noted that it was important to answer all questions honestly, but that by answering "yes" to the question concerning a drug conviction, it covered the incorrect answer to the similar question. The Board also noted that Hall had been transparent with her employer.

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<sup>3</sup> K.S.A. 65-1663(f)(1).

<sup>4</sup> K.S.A. 65-1627(e).

<sup>5</sup> K.S.A. 65-1626(vvv).

The Board voted 4-1, with 2 abstentions, to approve Hall's application for a pharmacy technician registration number. Approval was granted subject to Hall being placed on probation for a period of two (2) years. The standard conditions of probation apply. In addition, Hall is required to obtain a mental health evaluation within three (3) months, continue to attend therapy, and have her therapist submit a report to the Board within three (3) months concerning her attendance to therapy and progress. It was further recommended that Hall be more active in her recovery from alcohol dependence.

Sep 27, 2022

Date

Dr. Jonathan W. Brunswig, PharmD

Dr. Jonathan W. Brunswig, PharmD (Sep 27, 2022 08:34 CDT)

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>6</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>7</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

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<sup>6</sup> K.S.A. 77-529.

<sup>7</sup> K.S.A. 77-613.

**Certificate of Service**

On September 27th, 2022, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Brionnah Hall  
1364 Rd. 75  
Olpe, KS 66865

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