

December 28, 2021

GRACE HALSEY
6301 NORWOOD ST
MISSION HILLS, KS 66208

RE: Case No. 21-271

Dear Ms. Halsey:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$200. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Grace Halsey)
)
Registration No. 24-115731)

Case No. 21-271

SUMMARY ORDER

NOW, on this 28th day of December 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Grace Halsey, (“Applicant”), for application for registration as a Kansas pharmacy technician.

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 in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On August 20, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

2. Applicant answered “YES” to the following questions on her application: *Have you been charged with or convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors and Are you now or have you in the last five years been treated for a drug or alcohol addiction or participated in any substance abuse rehabilitation program? The*

application directs that if the applicant answers “YES”, the applicant must attach a Form S-150: Personal History (“S-150”).

3. As part of the application, Applicant certified that the information she provided was true, correct, and complete to the best of her knowledge.

4. Applicant’s S-150 statement and several pages of court records detailed that she had been arrested in 2016 for driving under the influence of alcohol, after which she entered a sobriety program. She was granted diversion and had the charges dismissed. However, in 2017, she was again arrested for driving under the influence, open container, and possession of marijuana. Applicant notes that she was convicted of the DUI with all other charges being dismissed. Subsequent to this 2017 DUI charge, Applicant again entered the sobriety program, as well as an intensive day program for the following 28 months. Applicant reports it was during this period that she “stopped drinking or using marijuana”, and has remained sober for the 4 years since. Her diversion was successfully completed in January of 2019.

5. On or about October 4, 2021, the Board received information regarding additional charges of possession of marijuana and unlawful use of drug paraphernalia in 2014.

6. On October 20, 2021, the Board’s Individual License Evaluator reached Applicant at her phone address of record, and requested all further relevant court and police documents relating to Applicant’s criminal record.

7. On October 21, Applicant emailed the Board requesting clarification of which documents to provide.

8. On October 22, 2021, the Board responded to Applicant, requesting she provide copies of original police reports, charge documents, and other court pleadings, diversion agreement(s), and completion documents for the 2014, 2016, and 2017 charges. Applicant was

also told that she was welcome to provide documents concerning her sobriety treatment and recovery, should it be helpful in determining her level of rehabilitation.

9. On or about November 15, 2021, the Board received the requested documentation, which detailed that Applicant's 2014 event was not prosecuted, that the 2016 charges were dismissed following the completion of her diversion agreement, and that she had pled guilty to the 2017 charges. Also included were multiple letters of recommendation, and letters evidencing Applicant's rehabilitation and sobriety.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the Pharmacy Act of the State of Kansas or any other rules or regulations of the State Board of Pharmacy.

2. Pursuant to K.S.A. 65-1663, the Board may take action on an application for issuance 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may discipline the license of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to deceive or harm the public, or fraud in securing a registration.

6. Applicant did not disclose her 2014 criminal incident on her Application despite the fact that she had been charged with possession of marijuana and unlawful use of drug paraphernalia.

7. Applicant's failure to disclose her complete criminal history on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to impose a civil fine against any registration granted to Applicant pursuant to K.S.A. 65-1627(a)(1) and 65-1658.

8. Applicant's DUI incidents are bases to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3) and 65-1626(uuu), as the potential harm of repeatedly breaking laws and endangering the public may place the pharmacy community at risk. Also of concern are the nature, recentness, and chronic history of alcohol and substance use.

9. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED, SUBJECT TO A 3-YEAR PROBATIONARY STATUS AND THE PAYMENT OF A \$200 FINE, for the violations. Applicant has 30 days from the date of this order to pay the fine. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in her court status within 10 days of the change;

- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

1. 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.
2. 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.
3. 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.
4. 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.

12/28/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of December 2021, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

GRACE HALSEY
6301 NORWOOD ST
MISSION HILLS, KS 66208



Kansas Board of Pharmacy Staff