

March 27, 2024

Amberle Harrington
200 SE 38th St.
Topeka, KS 66609

RE: Case No. 24-035

Dear Ms. Harrington:

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.

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)
)
Amberle Harrington)
)
Applicant)

Case No. 24-035

SUMMARY ORDER OF DENIAL

NOW, on this 27th day of March, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Amberle Harrington (“Applicant”), for 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, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On December 6, 2023, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on his 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.

3. As part of Applicant's Application, Applicant certified that the information provided was true, correct and complete, and understood that falsification of the information provided was grounds for denying Applicant's Application.

4. The Board received information regarding a May 2015 Possession of opiate, opium, narcotic or certain stimulant offense charged against Applicant.

5. On December 11, 2023, the Board mailed Applicant a letter requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

6. On or about December 29, 2023, the Board received the requested documentation, which indicated the following:

- a. Applicant's personal statement stated Applicant was in a severe car accident in 2013 at which time she was put on opioid pain medication and later received a diversion in 2015 which she did not think to disclose on Applicant's Application.
- b. Applicant's court documents indicated that in June 2015 she was indicted for felony possession of opiate, opium, narcotic drug or stimulant, misdemeanor possession of hallucinogenic drug (methamphetamine), misdemeanor unlawful use of drug paraphernalia, and misdemeanor driving under the influence of alcohol (first). Applicant completed a 24-month diversion agreement in December 2017.
- c. Applicant provided a letter of recommendation from a family friend.
- d. Applicant provided letters from Valley Hope Association verifying that Applicant was admitted to Norton Valley Hope in August 2015 for a two-week treatment of

substance abuse and was admitted to Atchison Valley Hope in November 2015 for 30 days of inpatient care.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny an application of any pharmacist who has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

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

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(vvv)(5) and (7), unprofessional conduct means unlawful possession of drugs and unlawful diversion of drugs to others, or conduct likely to deceive, defraud or harm the public.

6. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to deny Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

7. Applicant is unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time. She did not provide a letter of recommendation from any member of the pharmacy profession or a potential employer. Applicant did not acknowledge her wrongful conduct or demonstrate consciousness thereof, especially considering she failed to disclose it on Applicant's Application.

8. Applicant's May 2015 felony and misdemeanor drug charges and resulting 2-year diversion agreement, which was completed less than 10 years ago are unprofessional conduct likely to harm the public in the pharmacy setting. Furthermore, Applicant's unlawful possession of drugs and history of substance use disorder are unprofessional conduct. These are bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

ORDER

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

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.

3/27/2024
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of March, 2024, 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:

Amberle Harrington
200 SE 38th St.
Topeka, KS 66609



Kansas Board of Pharmacy Staff