

August 22, 2019

HALEY HENDERSON
2025 SW MEADOW LN
TOPEKA, KS 66604

RE: Case No. 19-109

Dear Ms. Henderson:

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

Filed By

AUG 22 2019

KANSAS STATE BOARD OF PHARMACY

Case No. 19-109

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Haley Henderson)
Applicant)

SUMMARY ORDER

NOW, on this 22nd day of August 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Haley Henderson ("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 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

1. On March 19, 2019, 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?"

3. Applicant included with Application brief explanations and public access case notes on offenses including repeated counts of domestic battery, assault, criminal theft, criminal damage, and forgery, some of which took place very recently. Applicant also included that she dealt with substance abuse issues, and included evidence of current treatment.

4. On April 5, 2019, the Board mailed Applicant a letter requesting further explanation of the substance abuse issues.

5. On or around April 29, 2019, the Board received the requested explanation from Applicant, which documented addiction to methamphetamine from 2008 to 2018, and detailed that she was now eight months clean, since September 2018.

6. On July 24, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant. After reviewing documents and conversation, the Evaluator found that Applicant is currently receiving weekly aftercare treatment, following completed inpatient and outpatient treatments. Applicant remains on probation for December 2017 forgery, and Evaluator noted shows no remorse or significant rationale for this offense.

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)(2), the Board may deny an application upon a finding that the licensee has been convicted of any felony, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. 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.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public.

5. Applicant's felony forgeries are bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2), as their recent occurrence and her failure to acknowledge their weight of these offenses deem her unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's lengthy history and intensity of substance use issues, as well as the recent nature of her recovery, has the potential to harm the public if Applicant is placed in a pharmacy setting where she would have access to prescription drugs, including methamphetamine precursors and other stimulants. In addition, Applicant's forgery convictions have the potential to harm the public in the pharmacy setting where Applicant would have access to patient health, insurance, and other payment information. Each of these items pose a potential danger to the public and are considered unprofessional conduct and a basis 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.

8/22/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of August 2019, 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:

HALEY HENDERSON
2025 SW MEADOW LN
TOPEKA, KS 66604



Kansas Board of Pharmacy Staff