

March 7, 2022

NATIVIDAD HERNANDEZ  
716 W 15<sup>th</sup> AVE  
EMPORIA, KS 66801

RE: Case No. 22-045

Dear Ms. Hernandez:

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Natividad Hernandez )  
 )  
Registration No. 24-116874 )

Case No. 22-045

**SUMMARY ORDER**

NOW, on this 7th day of March 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Natividad Hernandez, (“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 December 30, 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 Have you ever been pardoned from a felony or misdemeanor criminal conviction and Have you ever been charged with or convicted of (includes plea of guilty*

*of no contest) a violation of any federal or state drug law(s) or rules(s) whether or not a sentence was imposed, suspended, or diverted?* The application directs that if the applicant answers “YES”, they must attach a Form S-150: Personal History (“Form S-150”).

3. In her Form S-150, Applicant disclosed having successfully completed diversion for charges of marijuana and paraphernalia possession in 2016 and domestic violence and property damage in 2019. Applicant also disclosed having completed batterer’s intervention class and continued therapy. Applicant had included several court documents, but no diversion agreement or certification of completion.

4. On January 12, 2022, the Board mailed Applicant a letter requesting she provide certified copies of any diversion agreements and completion.

5. On or about January 18, 2022, the Board received the requested court documents.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(f)(1), 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.

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

3. Pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct includes conduct likely to deceive, defraud, or harm the public.

4. Applicant’s marijuana and paraphernalia possession, domestic violence, and property damage incidents are unprofessional conduct and a basis to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3). The potential

harm of repeatedly breaking laws and endangering the public may place the pharmacy community at risk. Of some concern are the recentness of the 2019 incident, and the use and extent of ongoing counseling.

5. 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 2-YEAR PROBATIONARY STATUS. 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 further 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.

3/7/2022

\_\_\_\_\_  
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7th day of March 2022, 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:

NATIVIDAD HERNANDEZ  
716 W 15<sup>th</sup> AVE  
EMPORIA, KS 66801



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Kansas Board of Pharmacy Staff