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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 29, 2022

Denise Hoag
702 E 12st St
Newton KS 67114

RE: Case No. 22-082

Dear Ms. Hoag:

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 \$300. 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

Filed By

MAR 29 2022

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Denise Hoag)
Respondent)
Registration No. 14-06031)

Case No. 22-082

SUMMARY ORDER

NOW, on this 29th day of March 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Denise Hoag, (“Respondent”).

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 January 5, 2022, the Board received Respondent’s application for registration as a pharmacy technician in the State of Kansas (“Respondent’s Application”).
2. Respondent answered “Yes” to the following question 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In conjunction with Respondent's Application, she submitted a blank S-150 form indicating she had no criminal offense history.

4. On January 7, 2022, the Board issued Respondent pharmacy technician registration number 14-06031 ("Respondent's Registration").

5. On January 27, 2022, the Board received information regarding a September 2021 theft offense.

6. On January 27, 2022, the Board mailed Respondent a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

7. On or about February 24, 2022, the Board received the requested documentation. Respondent's personal statement and court records documented that Respondent was convicted of theft and sentenced to one year of probation and a civil fine.

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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

4. Respondent's recent theft offense and misrepresentation on Respondent's Application are unprofessional conduct and a basis to place Respondent's Registration in a

probationary status pursuant to K.S.A. 65-1627(a)(3), as she is still on probation and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

5. 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.

6. Pursuant to K.S.A. 65-1627(a)(1), the Board may take action against the license of any pharmacist upon a finding that the licensee 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.

7. Respondent's blank S-150 on Respondent's Application was a misrepresentation of material fact on an application and a basis to take action against Respondent's Registration as a violation of K.S.A. 65-1627(a)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on a 2-year probationary status. Respondent is also ordered to pay a fine to the Board in the amount of \$300 within 30 days. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her probation;
- Respondent must notify the Board of any change in her probation status within 10 days of the change;
- Respondent must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;

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

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.

3/29/2022

Date

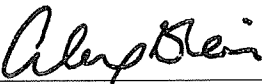


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29th 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:

Denise Hoag
702 E 12th St
Newton KS 67114



Kansas Board of Pharmacy Staff