

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Sharda Holmes)
14-107803)
_____)

Case No. 18-684

SUMMARY ORDER

NOW on this 12 day of April, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Sharda Holmes, (“Applicant”), for her 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, makes the following findings, conclusions and order.

FINDINGS OF FACT

For purposes of this order, the Board’s Executive Secretary makes the following findings of fact:

1. On or about October 9, 2018, 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 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.

3. Applicant disclosed that she had previously been charged in 2014 with possession of marijuana and possession of paraphernalia. Applicant indicated that she received a diversion for both offenses and successfully completed that diversion.

4. The Board received additional information regarding a 2017 domestic battery offense.

5. On November 2, 2018, the Board mailed Applicant a letter requesting she provide a completed Personal History Form S-150 for the domestic battery offense, as well as certified copies of the court pleadings from all cases.

6. On or about November 13, 2018, the Board received the court documents for the 2017 domestic battery offense. The court documents indicated that the case never went to trial and the case was closed in 2017.

7. On January 18, 2018 the Board again requested the court documents for the 2014 offenses.

8. On January 29, 2018, the Board received the requested court documents for the 2014 offenses.

9. On or about March 15, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant.

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(ttt), unprofessional conduct means conduct likely to deceive or harm the public.

4. Applicant's previous arrests for possession of marijuana and paraphernalia and for domestic battery are unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

5. From the phone interview, the Board determined that, although Applicant's previous criminal history is concerning, it does not preclude Applicant from becoming registered as a pharmacy technician and being able to work effectively in a pharmacy setting. Applicant's history does not at this time threaten the working or ethical environment of the pharmaceutical profession; however, Applicant's history with illicit substances suggests a need for additional compliance monitoring.

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 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:

6. 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.

7. 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.

8. 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.

9. 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.

4/12/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12 day of April, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Sharda Holmes
2702 Quail Creek Dr
Independence, MO 64055



Kansas Board of Pharmacy Staff