

January 24, 2023

Jessica Jarvis  
817 Clubhouse Dr  
McPherson KS 67460

RE: Case No. 23-019

Dear Ms. Jarvis:

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 )  
 )  
Jessica Jarvis )  
 )  
Registration No. 14-108761 )

Case No. 23-019

**SUMMARY ORDER**

NOW, on this 24th day of January, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jessica Jarvis, (“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 investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

**FINDINGS OF FACT**

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-108761 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about October 31, 2022, the Board received information regarding an October 2022 DUI and transporting an open container for which Respondent was arrested.
3. On October 31, 2022, the Board sent a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”), as well as certified copies of the court pleadings from the case.

4. On December 1, 2022, the Board sent a second request to Respondent's address of record.

5. On December 5, 2022, the Board received the requested documents from Respondent, which indicated Respondent was arrested for DUI and transporting an open container and was seeking outpatient treatment for her alcohol issues.

#### 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(vv)(7), unprofessional conduct means conduct likely to deceive, defraud, or harm the public.

4. Pursuant to K.S.A. 65-1627(a)(8), the Board may place in a probationary status the license of any pharmacist who has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.

5. Pursuant to K.A.R. 68-7-25, each pharmacy technician shall notify the board in writing of any of the following circumstances within 30 days of the date of occurrence: (a) Any conduct resulting in a charge of, arrest or indictment for, plea of guilty or no contest to, diversion agreement, or suspended imposition of sentence against the registrant or licensee that would

constitute any of the following: (1) Unprofessional conduct as defined by K.S.A. 65-1626, and amendments thereto.

6. Respondent's DUI and open container offenses are unprofessional conduct not only because they are violations of law but because Respondent's decision to operate a motor vehicle after consuming alcohol to such a degree as to render Respondent unfit to operate the vehicle is conduct likely to harm the public. Since Respondent indicates she is planning to engage in outpatient treatment for her alcohol issues, this would further suggest that Respondent is not sufficiently rehabilitated from the offense to warrant the public trust and is in need of additional supervision and oversight in the pharmacy setting. Therefore, the Board is justified in placing Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

7. Since Respondent failed to notify the Board of her October 2022 DUI and open container offenses until she responded to the Board's requests for documentation in December 2022, Respondent failed to notify the Board of her arrest within 30 days in violation of K.A.R. 68-7-25. This is a basis for the Board to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(8).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must notify the Board of any change in her court status related to the DUI and open container arrest within 10 days of the date 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 and obtain Board approval for the change;
- Respondent must respond to the Board's regular check-in requests;
- 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.

1/24/2023

\_\_\_\_\_  
Date


*Alex Blasi*

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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 24th day of January, 2023, 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:

Jessica Jarvis  
817 Clubhouse Dr  
McPherson KS 67460

  
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Kansas Board of Pharmacy Staff