

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
KEISHA JOHNSON)
_____)

Case No. 16-003

SUMMARY ORDER OF DENIAL

NOW on this 13th day of January, 2016, comes before the Kansas Board of Pharmacy (the “Board”), through its Investigation Member, the application of Keisha Johnson (the “Applicant”) 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 Investigation Member enters this Summary Order of Denial 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 Investigative Member makes the following findings of fact:

1. On August 18, 2015, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of Applicant’s Application she answered “Yes” to the question: “Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?” The application form directs that if the applicant

answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. On Applicant’s Application, Applicant disclosed speeding tickets from 1997 and indicated she paid the fines for these tickets.

4. The background report provided to the Board by the Kansas Bureau of Investigation reported the following in regard to Applicant’s criminal history:

- a. May 2007 – Applicant was arrested in Missouri for Forgery, a felony. The charge was reduced to Passing a bad check –less than \$500. Applicant received a suspended imposition of sentence and was ordered to complete a two-year term of probation. Applicant did complete this term of probation; and
- b. September 2007 – Applicant was arrested for Driving while license revoked. Applicant was found guilty and was sentenced to 10 days.

5. While Applicant did disclose some of her criminal charges, she failed to report her entire criminal history to the Board.

6. As part of Applicant’s Application, she certified that the information provided was true, correct and complete and that she understood that withholding relevant information was grounds for denying her application.

7. On August 25, 2015 and November 18, 2015, representatives of the Board wrote Applicant requesting a detailed written statement and/or additional court documentation concerning her criminal history. To date, Applicant has not provided the Board with the requested documentation.

CONCLUSIONS OF LAW

8. 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.

9. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

10. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

11. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

12. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist “has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

13. Applicant’s failure to disclose the criminal history identified in paragraph 4 above is an attempt to obtain a registration by fraud and is a basis to deny Applicant’s Application.

14. Applicant’s failure to respond to the Board’s request for documentation regarding Applicant’s criminal history is a basis to deny Applicant’s Application.

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:

15. 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.

16. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

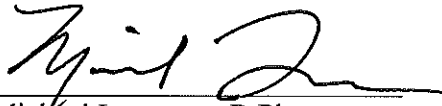
17. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

18. 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.

1-13-16
Date


Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19th day of January, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

KEISHA JOHNSON
6431 MANCHESTER AVE #20
KANSAS CITY MO 64133



Kansas Board of Pharmacy Staff