## BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
DEC 21 2017

In the Matter of

Case No. 16-227

KANSAS STATE BOARD OF PHARMACY

Yelena Kalinichenko, Applicant

## NOTICE OF PROPOSED DEFAULT ORDER AND PROPOSED DEFAULT ORDER

The above-captioned matter comes on for consideration by the Kansas Board of Pharmacy (Board) to enter a Proposed Default Order against the applicant, Yelena Kalinichenko.

## The Board finds:

- 1. On August 17, 2017, the Board convened the hearing on Ms. Kalinichenko's application for registration as a pharmacy technician.
- 2. Appearing on behalf of the Board were the following members: John Worden, PharmD, President; Michael Lonergan, R.Ph., Vice President; Robert Haneke, PharmD; Chad Ullom, R.Ph.; Bill Walden, R.Ph; Jonathan Brunswig, PharmD; and Cheri Pugh, Public Member.
- 3. Ms. Kalinichenko appeared and testified on her own behalf.
- 4. Kevin Fowler appeared as Disciplinary Counsel for the Board.
- 5. Ms. Kalinichenko has a significant criminal history which she failed to fully disclose on her application and in response to the Board's subsequent request.

- 6. After hearing the testimony of Ms. Kalinichenko, the Board decided to hold its decision regarding her application in abeyance until the Board convened on November 9, 2017, to allow Ms. Kalinichenko time to provide additional information, including but not limited to, letters from her criminal attorney, letters of recommendation, character reference letters and/or witnesses, and any other evidence of present fitness for registration.
- 7. In the Notice of Administrative Hearing Continued (Notice), served on the parties on August 24, 2017, Ms. Kalinichenko was directed to mail any evidence she intended to present to the Board no later than November 1, 2017. Ms. Kalinichenko was also directed to advise the Board if she intended to call witnesses to testify on her behalf and provide the Board with the names of the witnesses, by letter, no later than November 1, 2017.
- 8. The Notice included that the hearing on Ms. Kalinichenko's application would reconvene on November 9, 2017, at 8:30 a.m. at the Kansas Board of Regents Office, 1000 SW Jackson St # 520, Topeka, KS.
- 9. The Notice also included the following:
  - Any party who fails to attend or participate in the hearing or in any other portion of the adjudicative process may be held in default pursuant to K.S.A. 77-520 and the Board may conduct further proceedings necessary for adjudication without the participation of the Respondent.
- 10. Ms. Kalinichenko did not submit any documents or advise the Board that she would be presenting witnesses by November 1, 2017.

- The hearing in this matter was convened on November 9, 2017 at 8:30 a.m.Ms. Kalinichenko did not appear.
- 12. Accordingly, Ms. Kalinichenko is in default pursuant to K.S.A. 77-520.
- 13. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless Ms. Kalinichenko files a written motion with the Board at the address provided stating why the Proposed Default Order should be vacated and the order is then vacated.
- 14. If this Proposed Default Order becomes effective, Ms. Kalinichenko's application for registration as a pharmacy technician shall be denied.
- 15. If the Proposed Default Order becomes effective, the applicant may petition for review by the Board within fifteen days thereafter. Failure to timely petition for review by the Board may preclude judicial review.
- 16. If this Proposed Default Order becomes effective and neither party requests further administrative review, it shall become a Final Order.
- 17. If this Proposed Default Order becomes a Final Order, any petition for judicial review must be filed within the deadline established in K.S.A. 77-613. Any petition for judicial review must be mailed or personally delivered to: Alexandra Blasi, Executive Secretary, Kansas State Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612.

The Board, being well and duly advised in the premises, now enters this Proposed Default Order against Ms. Kalinichenko. It shall take effect as specified in the above findings.

Dated this 131 day of November 2017.

John Worden, PharmD

President, Kansas Board of Pharmacy

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served by mail on the following:

Yelena Kalinichenko 9521 W 118<sup>th</sup> Terrace, #3 Overland Park, KS 66210

Kevin Fowler Randall J. Forbes Frieden, Unrein & Forbes, LLP 1414 SW Ashworth Pl., Ste. 201 Topeka, KS 66604

and a copy hand delivered to the Board file at:

Kansas Board of Pharmacy Attn: Alexandra Blasi 800 SW Jackson, Ste. 1414 Topeka, KS 66612

Kansas Board of Pharmacy Staff