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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

August 5, 2021

KIMBERLI KHAMSIKONE
8536 MAURER RD, APT 126
LENEXA, KS 66219

RE: Case No. 21-130

Dear Ms. Khamzivone:

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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 21-130

In the Matter of)
Kimberli Khamsivone)
Applicant)

SUMMARY ORDER OF DENIAL

NOW, on this 5th day of August 2021, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kimberli Khamsivone ("Applicant"), for application for a Kansas pharmacy technician registration.

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 of Denial 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 February 5, 2021, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of the application, Applicant answered "NO" to the question: *Have you ever been 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. On February 11, 2021, the Board received information regarding a December 2017 charge laid against Applicant for misdemeanor theft.

4. On February 11, 2021, the Board sent a letter to Applicant's address of record requesting she provide to the Board a thorough Form S-150 detailing the incident, along with certified supporting court documentation.

5. On March 18, 2021, the Board received from Applicant extensive certified court documentation, but the attached Form S-150 contained only two sentences which did not reveal the circumstances of her theft incident as was requested. Applicant only noted that she was employed by Neighborhood Walmart at the time of the incident, and had since learned her lesson.

6. On April 8, 2021, the Board sent a second request, this time to Applicant's email address of record, again seeking a more thorough Form S-150 detailing the theft incident. Applicant did not respond to the Board's email request.

7. On July 8, 2021, the Board mailed a final letter to Applicant's address of record requesting a thorough Form S-150 one last time. Applicant did not respond to this final request.

8. To date, the Board has not received a more thorough Form S-150, nor any further correspondence from Applicant following the Board's final request.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663 the Board may deny an application for issuance 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. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

SUMMARY ORDER OF DENIAL

3. Applicant's failure to supply the Board with details surrounding her criminal theft charge as requested by the Board is a violation of K.S.A. 65-1627(a)(15) and 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

The Applicant is hereby notified as follows:

1. The 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.

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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

8/5/2021
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of August 2021, 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:

KIMBERLI KHAMSI VONE
8536 MAURER RD, APT 126
LENEXA, KS 66219



Kansas Board of Pharmacy Staff