

July 30, 2019

Sara Kutina
2641 SE 101st B
Berryton KS 66409

RE: Case No. 19-011

Dear Ms. Kutina:

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

In the Matter of)
Sara Kutina)
Registration No. 14-15912)

Case No. 19-011

SUMMARY ORDER

NOW on this 24th day of June, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Sara Kutina, (“Applicant”), for her renewal 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

1. On October 1, 2018, the Board received Applicant’s renewal application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” 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. On November 15, 2018, the Board received information from Applicant regarding a September 2017 DUI offense resulting in a car accident. Applicant indicated in a statement received by the Board in February 2019 that she did not disclose the arrest on her renewal because she had not yet been sentenced in the case.

4. On January 18, 2019, the Board mailed Applicant a letter requesting certified copies of the court pleadings from the case and a completed S-100 Background Check Form and fingerprint card.

5. On March 15, 2019, the Board mailed Applicant a second request for the relevant court documents.

6. On April 19, 2019, the Board mailed Applicant a final request for the relevant court documents.

7. On May 2, 2019, the Board received the requested documentation. Applicant's court documents revealed that Applicant had been previously convicted of DUI in February 2015 and thus this was her second DUI offense. An Order of House Arrest was entered against Applicant on October 22, 2018 for a period of five days after serving two days in jail. An Order of Parole was issued against Applicant on November 17, 2018 for a period of 12 months, which includes random drug/alcohol monitoring, completion of certain courses and treatment, and other court-imposed requirements.

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)(1), the Board may place in a probationary status the license of any pharmacist who has renewed or attempted to renew a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

4. 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.

5. Pursuant to K.S.A. 65-1626(ttt), unprofessional conduct means conduct likely to deceive, defraud, or harm the public.

6. Applicant's misrepresentation of her criminal offense status on her renewal application and failure to disclose (until later) her DUI is a misrepresentation of a material fact and is grounds to place Applicant's registration on probationary status pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's second DUI conviction is a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as she is still on probation and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

8. Applicant's second DUI conviction, as well as her previous DUI, are unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3) subject to the monitoring of the Board.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal 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 continue compliance with the terms of her court probation;
- Applicant must notify the Board of any change in her court probation status within 10 days of the change;
- 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:

1. 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, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

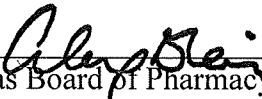
6/24/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of June, 2019, 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:

Sara Kutina
2641 SE 101st B
Berryton KS 66409



Kansas Board of Pharmacy Staff