

July 30, 2019

CAROLYN LEDESMA
802 OLD MAIN
NEWTON, KS 67114

RE: Case No. 18-720

Dear Ms. Ledesma:

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)
Carolyn Ledesma)
Registration No. 14-108136)

Case No. 18-720

SUMMARY ORDER

NOW, on this 2nd day of July 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Carolyn Ledesma, (“Applicant”), for 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 November 26, 2018, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” to the following questions on her application: (1) 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; and (2) Have you ever been charged with or convicted of (includes plea of guilty or no contest) a violation of any federal or state drug law(s) or rule(s) whether or not a

sentence was imposed, suspended, or diverted? Applicant disclosed past misdemeanor charges for drug possession and paraphernalia for which she completed diversion.

3. The Board received additional information regarding a December 2018 charge against Applicant for driving under the influence.

4. On December 13, 2018, the Board mailed Applicant a letter requesting a completed Personal History Form S-150 detailing the DUI charge, as well as certified copies of the court pleadings from the case.

5. On or about January 14, 2019, the Board received the requested documentation. Applicant's personal statement and court documents explained that a six month diversion agreement was entered into by Applicant on January 31, 2019.

6. On April 29, 2019, the Board's Individual License Evaluator conducted a phone interview with Applicant, in which Applicant referred to the DUI as an isolated incident. The License Evaluator concluded that there was a low risk that Applicant's law enforcement issues would impact her ability to perform pharmacy technician duties and responsibilities, but that Applicant remains on diversion until July 31, 2019.

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(ttt), unprofessional conduct means conduct likely to deceive or harm the public.

4. Applicant's past criminal history resulting in a diversion for misdemeanor drug possession and paraphernalia, as well as her more recent misdemeanor of driving under the influence of alcohol is unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3). Furthermore, Applicant's ongoing diversion for her criminal offenses suggest that she has not yet fully completed her rehabilitation and requires additional monitoring or supervision consistent with a probationary registration.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance 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 diversion agreement;
- Applicant must notify the Board of any change in her diversion agreement 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 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.

7/2/19
Date

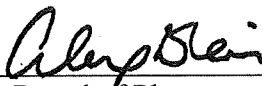


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 2nd day of July 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:

CAROLYN LEDESMA
802 OLD MAIN
NEWTON, KS 67114



Kansas Board of Pharmacy Staff