

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Nikki Lee )  
14-07522 )  
\_\_\_\_\_ )

Case No. 17-230

**SUMMARY ORDER OF DENIAL**

NOW on this 9 day of January, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Nikki lee, ("Applicant"), for her 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 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 Executive Secretary makes the following findings of fact:

1. On or about October 16, 2017, 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 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. Applicant submitted a sheet listing the following offenses with her application: 2006 – possession; 2010 – driving while suspended; 2010 – disorderly conduct; 2011 – driving while suspended; 2011 – indecency; 2014 – driving while suspended.

4. On or about October 24, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been arrested for felony “attempted sale/offer depressant/stimulant/hallucinogen/steroids” in 2006 (charged as possession of opiates, opium, or narcotic drugs); charged with endangering a child in 2006; charged with driving while suspended in 2006; arrested for an unknown charge in 2007; arrested for disorderly conduct in 2007; arrested for a warrant in 2009; arrested for driving while suspended and without insurance in 2015; arrested for failure to appear in 2015; arrested for theft twice in 2016; arrested for forgery in 2016; and arrested for theft in 2017.

#### 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 deny the granting of a license to an Applicant who has attempted to obtain 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 deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude or gross

immorality or any felony 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 deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

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

6. Applicant's failure to disclose her entire previous criminal history is a misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's conviction for misdemeanor theft and failure to show she has been sufficiently rehabilitated to warrant the public trust is a basis for denying Applicant's Application pursuant to 65-1627(a)(2).

8. Applicant's arrests and charged for possession of opiates, endangering a child, driving while suspended, driving without insurance, failure to appear, and theft are unprofessional conduct and bases to deny Applicant's Application pursuant to 65-1627(a)(3).

9. Applicant's recent criminal history and pattern of disregard for the law poses a danger to the public in the pharmacy setting, and is a basis to deny Applicant's Application.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

#### NOTICES

Applicant is hereby notified as follows:

10. 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.

11. 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.

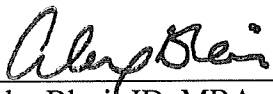
12. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

13. 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.

1/21/18  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 9 day of January, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Nikki Lee  
7145 Lackman Rd #204  
Shawnee, KS 66216

  
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Kansas Board of Pharmacy Staff