

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
NANCY LOUISE LYNN )  
\_\_\_\_\_ )

Case No. 16-195

**SUMMARY ORDER OF DENIAL**

NOW on this 8<sup>th</sup> day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Nancy Louise Lynn (the "Applicant") 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 Investigation Member 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 Investigative Member makes the following findings of fact:

1. On or about October 13, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application she answered "Yes" to the question: "Have you ever 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

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diverted? This includes misdemeanors.” The application form directs that if the applicant answers yes, that the applicant “please attach Form S-150: Personal History.”

3. The notarized statement Applicant provided with Applicant’s Application mentions only a single unspecified domestic case. Applicant did not provide a completed S-150 Personal History form.

4. The background report provided to the Board by the Kansas Bureau of Investigation (“KBI”) reports that on or about December 28, 1994, Applicant was convicted of a misdemeanor charge of Assault. Applicant was sentenced to probation for a period of 12 months.

5. The KBI reports that on or about April 17, 1995, Applicant was convicted of non-person felony forgery and sentenced to 24 months’ probation with a suspended sentence of 16 months in prison.

6. The KBI reports that on or about August 14, 1997, Applicant was convicted of misdemeanor prostitution and sentenced to pay a \$500 fine.

7. The KBI reports that on or about December 5, 1997, Applicant was arrested for felony possession of opiate narcotics, misdemeanor possession of paraphernalia and was released without further action.

8. The KBI reports that on or about January 15, 1998, Applicant was convicted of misdemeanor prostitution and sentenced to a \$500 fine.

9. The KBI reports that on or about December 28, 2000, Applicant was arrested for felony habitually promoting prostitution. On or about July 5, 2001, the charge was amended and Applicant was convicted for misdemeanor prostitution and sentenced to pay a \$475 fine.

10. The KBI reports that on or about December 4, 2003, Applicant was convicted of misdemeanor prostitution and sentenced to pay a \$325 fine.

11. As part of Applicant's Application, she certified that the information provided was true, correct and complete and that she understood that withholding relevant information was grounds for denying his application.

#### CONCLUSIONS OF LAW

12. 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.

13. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the renewal of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.

14. That pursuant to K.S.A. 65-1627(a)(3), the board may deny registration if the applicant is found by the board to be guilty of unprofessional conduct.

15. That pursuant to K.S.A. 65-1627(a)(5), the Board may deny registration if the applicant has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

16. That pursuant to K.S.A. 65-1626(ccc)(5), unprofessional conduct means unlawful possession of drugs.

17. That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

18. Applicant's conviction for the felony of forgery, repeated convictions for prostitution, other unlawful offenses and arrests, and her failure to provide any evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

#### NOTICES

Applicant is hereby notified as follows:

19. 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.

20. 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.

21. 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.

22. 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.

11/8/16  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7 day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

NANCY LOUISE LYNN  
1926 S WASHINGTON AVE  
WICHITA, KS 67211

  
Kansas Board of Pharmacy Staff