

Filed By

MAR 22 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Justine Wade)
14-108593)
_____)

Case No. 19-041B

SUMMARY ORDER OF DENIAL

NOW on this 22 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Justine Wade, ("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 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 January 23, 2019, a Board Inspector received an email from David Mahanna at Mahanna Pharmacy, asking for the status of Applicant's technician registration. Mahanna stated that he had employed Applicant as a technician in his pharmacy since April 2018.

2. On January 25, 2019, the Board Inspector visited Mahanna Pharmacy and met with Applicant. The Inspector confirmed with the Board office that there was no active

registration for Applicant. Applicant stated that she had completed the pharmacy technician registration application in April 2018. Upon investigation, the Inspector learned that the completed application was never received by the Board, and informed the Applicant that no application had been received and she was not permitted to work as a pharmacy technician unless and until she applied and was granted a registration.

3. On January 28, 2019, the Board received Applicant's application for registration as a pharmacy technician ("Applicant's Application").

4. Applicant answer "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.

5. Applicant disclosed that she was arrested in 2010 for a warrant stemming from writing a bad check. She disclosed that the charges resulted in a misdemeanor conviction.

6. On March 11, 2019, the Board Inspector again visited Mahanna Pharmacy and found Applicant working as a technician. At this time, Applicant's Application had still not yet been approved by the Board.

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 deny 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. Pursuant to K.S.A. 1627(a)(8), the Board may deny the license of any pharmacist who has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the Board pursuant to the provisions of such pharmacy act.

5. Pursuant to K.S.A. 65-1663(a), it shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the Board as a pharmacy technician.

6. Applicant's previous misdemeanor conviction for writing a bad check is unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

7. Applicant's conduct of working as a pharmacy technician without a registration, particularly after she had been informed that she did not have an active registration, is a violation of 65-1663(a) and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(8).

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:

8. 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.

9. 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.


10. 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.

11. 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.

3/22/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of March, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Justine Wade
1300 Trail Ave PO Box 872
Hoxie, KS 67740



Kansas Board of Pharmacy Staff