

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Kesha Warfield)
14-103466)
_____)

Case No. 17-162

SUMMARY ORDER OF DENIAL

NOW on this 28 day of December, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kesha Warfield, ("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 July 12, 2017, the Board received Applicant's 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 July 17, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been arrested for theft in 2010; convicted for not obtaining liability insurance coverage on her vehicle in 2010; arrested and convicted of stealing in 2010; arrested for robbery in 2012; arrested for stealing in 2015; arrested for disorderly conduct in 2015; and arrested for domestic assault in 2015.

4. On August 16, 2017, the Board sent a request for an S-150 Personal History Form to Applicant.

5. On November 20, 2017, the Board received Applicant’s completed S-150 Form and additional documents.

6. The arrest report submitted by Applicant in response to the Board’s request for a completed S-150 indicated additional driving while suspended or revoked and driving without insurance offenses.

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 answer of "No" regarding previous criminal history is a misrepresentation of a material fact.

7. Applicant's misrepresentation of a material fact regarding her previous criminal history is a basis to deny Applicant's application pursuant to K.S.A. 65-1627(a)(1).

8. Applicant's misdemeanor convictions of driving without insurance and stealing and failure to show she has been sufficiently rehabilitated to warrant the public trust are bases to deny Applicant's application pursuant to K.S.A. 65-1627(a)(2).

9. Applicant's history of theft, stealing, driving without insurance and while suspended or revoked, disorderly conduct, and domestic assault are unprofessional conduct and a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(3).

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.

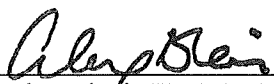
12. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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.

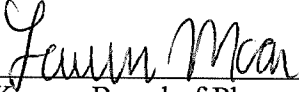
12/28/17
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kesha Warfield
15509 E 48th Terrace
Kansas City, MO 64136



Kansas Board of Pharmacy Staff