

April 25, 2023

Jessica Wells
850 State Street
Fort Scott Kansas 66701

RE: Case No. 23-224

Dear Jessica Wells:

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)
)
Jessica Wells)
)
Registration No. 24-118276)

Case No. 23-224

SUMMARY ORDER

NOW, on this 25th day of April 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jessica Wells, (“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, the Board makes the following findings, conclusions, and order.

FINDINGS OF FACT

1. On June 27, 2022, 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. The Board received information regarding Applicant's criminal offenses, including: a February 2006 giving a worthless check, unknown value offense; an August 2013 arrest by LEO offense; an October 2013 theft and criminal damage to property < \$1000 offense; a December 2013 failure to appear offense; a September 2014 theft and criminal damage to property offense; and a March 2015 probation violation.

4. On June 30, 2022, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On or about July 28, 2022, the Applicant requested additional time to submit requested documentation to the Board, which was granted.

6. On or about August 2, 2022, the Board received the requested documentation, which confirmed the aforementioned offenses and indicated the following:

- a. Applicant completed a court diversion agreement in 2006;
- b. Applicant pleaded guilty to theft and criminal damage to property in 2013;
- c. Applicant's probation was revoked in 2014; and
- d. Applicant provided a letter of recommendation.

7. On September 6, 2022, the Board's individual licensing evaluator conducted a phone interview with Applicant who indicated she had previously suffered from substance use disorder.

8. On October 24, 2022, the Board referred Applicant to the Kansas Pharmacist's Recovery Network (KsPRN) to receive a complete mental health evaluation and urine drug screen. A deadline for the evaluation and response was to be provide no later than November 23, 2022.

9. On March 19, 2023, the Board received a lab result certificate from *FSSolutions* and a copy of the requested mental health evaluation.

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. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

4. 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.

5. Pursuant to K.S.A. 65-1626(vvv) (7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

6. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to take action against Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

7. Applicant's 10-year criminal offense history ending in 2015 and including multiple theft charges is unprofessional conduct likely to harm the public in the pharmacy setting,

specifically related to the nature of patient information and access to drugs in the pharmacy, and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3). Furthermore, Applicant's substance use history would suggest an additional need for close oversight in the pharmacy setting.

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 3-YEAR probationary status and payment of a fine to the Board in the amount of \$300. Applicant has 30 days from the date of this order to pay the fine and the probationary pharmacy technician registration shall be issued upon receipt. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge.
- Applicant must notify the Board of any change in employment within 10 days of the change.
- Applicant must respond to the Board's regular check-in requests.
- Applicant must inform employers of the probationary status of their pharmacy technician registration.
- Applicant must obtain the signature of their pharmacist-in-charge (PIC) documenting knowledge of her 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.

4/25/2023

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of April 2023, 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:

Jessica Wells
850 State Street
Fort Scott Kansas 66701



Kansas Board of Pharmacy Staff