

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Jacqueline Odems)
14-100392)
_____)

Case No. 17-150

SUMMARY ORDER OF DENIAL

NOW on this 1 day of February, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Jacqueline Odems, ("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 August 14, 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 included in her application a disclosure that she had a previous theft offense from 1995.

4. On or about August 14, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had omitted the following offenses from her application: 1996 felony stealing conviction resulting in two years confinement.

5. On August 14, 2017, the Board sent Applicant a letter requesting she submit a completed S-150 Form to address the undisclosed charge.

6. On November 16, 2017, the Board sent Applicant a Final Request letter requesting she submit a completed S-150 Form to address the undisclosed charge.

7. On December 21, 2017, the Board received notice that the S-150 request letter was not deliverable as addressed and had been “returned to sender.”

8. On December 21, 2017, the Board sent Applicant an e-mail letter requesting she submit a completed S-150 Form.

9. To-date, Applicant has not responded to the Board’s requests for a completed S-150 Form or any other correspondence.

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)(2) the Board may deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude or any felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

3. 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.

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

5. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application from an Applicant who has failed to furnish the board, its investigators or its representatives any information legally requested by the board;

6. Applicant's prior felony convictions and her failure to show that 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).

7. Applicant's prior felony and misdemeanor convictions are unprofessional conduct and a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(3).

8. Applicant's failure to respond to the Board's S-150 request is a basis to deny Applicant's Application pursuant to 65-1627(a)(15).

9. Applicant's history of criminal behavior 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.

4/31/18

Date

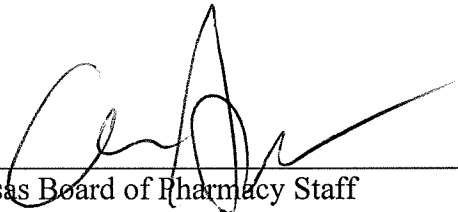


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of February, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Jacqueline Odems
508 NW Olive, Unit B
Lee's Summit, MO 64063



Kansas Board of Pharmacy Staff