

October 25, 2021

MICHELLE MATHEWS  
217 W 3<sup>rd</sup>, APT B4  
ANDOVER, KS 67002

RE: Case No. 21-206

Dear Ms. Mathews:

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. In addition, a civil fine has been assessed totaling \$200. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Michelle Mathews )  
 )  
Registration No. 24-115520 )

Case No. 21-206

**SUMMARY ORDER**

NOW, on this 25th day of October 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Michelle Mathews, (“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 July 26, 2021, 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.* The application directs that if the applicant answers “YES”, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. As part of the application, Applicant certified that the information she provided was true, correct, and complete to the best of her knowledge.

4. Applicant's Form S-150 statement listed only "false testimony to law enforcement" and "misdemeanor battery." No court records were included to support Applicant's brief statement.

5. On or about July 27, 2021, the Board received information regarding charges laid against Applicant for a May 2011 DUI offense, a July 2018 interference with law enforcement offense, and a December 2018 domestic battery offense.

6. On July 28, 2021, the Board mailed Applicant a letter requesting a more thorough Form S-150, as well as certified copies of the court pleadings from each case.

7. On or about August 16, 2021, the Board received from Applicant the requested documentation. Though Applicant stated her regret for any wrongdoing, she included no statement on the DUI incident which she had omitted from her Application. Applicant's court records detailed that she had pled guilty to and successfully completed probation for the law enforcement offense, and completed diversion for the DUI and domestic battery offenses, during the latter of which Applicant notes she had been trying to defend herself. Also included were multiple letters of reference and several certificates related to her nursing career.

#### CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1663, the Board may limit 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.

3. Pursuant to K.S.A. 65-1627(a)(1), the Board may discipline or place on probationary status the license of any pharmacist who has attempted to obtain 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 by the Board to be guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to deceive or harm the public, or fraud in securing a registration.

6. Applicant failed to include her 2011 criminal charge on the Application, despite the fact that she had been charged with the criminal offense of driving while under the influence, and served a subsequent 12-month diversion for the offense.

7. Applicant's failure to disclose all criminal charges on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to impose a civil fine and place on a probationary status any registration granted to Applicant pursuant to K.S.A. 65-1627(a)(1), 65-1626(uuu), and 65-1658.

8. Applicant's DUI, interference with law enforcement, and domestic battery incidents are bases to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3), as the recentness in nature as well as the potential harm of repeatedly breaking laws and endangering the public may place the pharmacy community at risk.

9. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

### 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 1-YEAR PROBATIONARY STATUS AND THE PAYMENT OF A \$200 FINE, for the violations. Applicant has 30 days from the date of this order to pay the fine and the registration will be issued upon receipt. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in her court status within 10 days of the change;
- 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 and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her 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.

10/25/2021

\_\_\_\_\_  
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of October 2021, 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:

MICHELLE MATHEWS  
217 W 3<sup>rd</sup>, APT B4  
ANDOVER, KS 67002



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Kansas Board of Pharmacy Staff