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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

August 5, 2021

JAI'NEISHA MATHEWS-CRUZ
10738 STARK AVE
KANSAS CITY, MO 64134

RE: Case No. 21-133

Dear Ms. Mathews-Cruz:

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

In the Matter of)
)
Jai'Neisha Mathews-Cruz)
)
Applicant _____)

Case No. 21-133
AUG 5 2021
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER OF DENIAL

NOW, on this 5th day of August 2021, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Jai'Neisha Mathews-Cruz ("Applicant"), for application for a Kansas pharmacy technician registration.

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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On February 9, 2021, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of the application, Applicant answered "YES" to the question: *Have you ever been 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. On her Form S-150, Applicant included only a one-sentence statement that read “charges pending/warrant issued for misdemeanor of possession back in January of 2017 in the state of Kansas.”

4. Subsequently, the Board received information regarding a March 2017 property damage charge for which probation was enacted, as well as a non-verifiable felony charge from the same January 2017 controlled substance possession incident which Applicant had briefly disclosed on her Form S-150.

5. On February 16, 2021, the Board sent a letter to Applicant’s address of record requesting a more thorough Form S-150 to include *all* charges, as well as certified copies of the court pleadings from each case.

6. On March 18, 2021, the Board received from Applicant a brief S-150 statement and two pages of court documents on the property damage charge. However, Applicant did not include any further explanation of, nor any court documents for, the controlled substance possession charge and the non-verifiable felony offense.

7. On March 18, 2021, the Board sent a second letter to Applicant’s address of record requesting a more detailed explanation of all offenses, as well as certified copies of the court pleadings from each case. Applicant did not respond to the Board’s second request.

8. On July 8, 2021, the Board mailed a final letter to Applicant’s address of record requesting more details of, and court records for, the possession charge. Applicant did not respond.

9. To date, the Board has not received from Applicant any Form S-150 explaining the controlled substance possession charge, nor any related court records, nor any further correspondence following Applicant’s March 18th documents on the property damage offense.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may deny an application for issuance 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)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

3. Applicant's failure to supply the Board with the requested documentation concerning her controlled substance possession charge is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES

The Applicant is hereby notified as follows:

1. The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

8/5/2021
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of August 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:

JAI'NEISHA MATHEWS-CRUZ
10738 STARK AVE
KANSAS CITY, MO 64134



Kansas Board of Pharmacy Staff