

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Keena McAfee)
_____)

Case No. 18-704

SUMMARY ORDER OF DENIAL

NOW on this 6 day of February, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Keena McAfee, (“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, 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 October 29, 2018, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of Applicant’s Application, she answered “No” 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.”

3. As part of Applicant’s Application, she answered “Yes” to the question: “Has there been a denial, revocation, suspension, voluntary surrender, or any other disciplinary action taken by the State of Kansas or any other jurisdiction against any professional or occupational license or registration held by you?” The Application form indicates that the Applicant needs to attach a Personal History Form S-150 explaining any discipline if the Applicant answers “Yes” to any of the disciplinary questions. Applicant did not attach the Personal History Form S-150 with her application.

4. Additional application materials indicated that Applicant been convicted of theft in 2010 and arrested for failure to appear in 2014.

5. Additional application materials indicated that Applicant’s Missouri technician registration had been suspended from January 11, 2017 through February 21, 2017 for failing to file state tax returns or to pay state tax liabilities.

6. Applicant previously applied for a pharmacy technician registration with the Board. On or about January 22, 2014, the Board received a pharmacy technician application from Respondent (“2014 Application”).

7. On Applicant’s 2014 Application, she answered “No” to the following question on her Application despite having been convicted of theft in 2010: “Have you ever been cited, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged.”

8. On November 20, 2018, the Board mailed Applicant a letter requesting she provide the Board with a Personal History Form-S-150 explaining her previous criminal history, as well as court documents from her previous offenses.

9. On or about December 4, 2018, the Board received Applicant's Personal History Form S-150, as well as the court documents.

CONCLUSIONS OF LAW

10. 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.

11. That pursuant to K.S.A. 65-1627(a)(1), the Board may deny an application 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.

12. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application of any pharmacist upon a finding that the licensee has been convicted of a misdemeanor involving moral turpitude and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

13. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist upon a finding that the licensee is found by the Board to be guilty of unprofessional conduct.

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

15. Pursuant to K.S.A. 65-1627(a)(12), in pertinent part, the Board may deny an application of any pharmacist upon a finding that the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntary surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

16. Applicant's answer of "No" to the criminal history question on her 2014 Application is a misrepresentation of a material fact and means Applicant previously obtained or attempted to obtain a license by false or fraudulent means, and is a basis to deny Applicant's current Application pursuant to K.S.A. 65-1627(a)(1).

17. Applicant's answer of "No" to the criminal history question on her current Application is a misrepresentation of a material fact and means Applicant attempted to obtain a license by false or fraudulent means, and is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

18. Applicant's previous conviction for theft, a misdemeanor involving moral turpitude, and her failure to show that she has been sufficiently rehabilitated to warrant the public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

19. Applicant's previous conviction for theft and arrest for failure to appear are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

20. Applicant's previous suspension of her Missouri pharmacy technician registration is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(12).

ORDER

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

NOTICES

Applicant is hereby notified as follows:

21. 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.

22. 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.

23. 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.

24. 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.

2/10/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of February, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Keena McAfee
5052 Glenside Ct
Kansas City, MO 64129



Kansas Board of Pharmacy Staff