

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Javier Mendoza )  
14-108361 )  
\_\_\_\_\_ )

Case No. 19-002

**SUMMARY ORDER**

NOW on this 1 day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Javier Mendoza, ("Applicant"), for his 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, 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 December 26, 2018, 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 his 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 attached a Personal History Form S-150 with his application, disclosing a May 12, 2018 arrest for driving under the influence of alcohol, minor in consumption of alcohol, and texting while driving. Applicant indicated he had received a diversion for these charges.

4. On January 3, 2019, the Board requested a copy of Applicant's signed diversion agreement.

5. On January 18, 2019 the Board received Applicant's signed diversion agreement for the charges.

#### 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)(3), the Board may limit the license of an Applicant who has been found guilty of unprofessional conduct.

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

4. Applicant's recent arrest for driving while intoxicated is unprofessional conduct and a basis to limit Applicant's Registration pursuant to K.S.A. 65-1627(a)(3).

## 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 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of completion of his diversion within 30 days of completion;
- Applicant must notify the Board of any change in employment within 10 days of the change;
- Applicant must inform employers of the probationary status of his pharmacy technician registration;
- Applicant must obtain the signature of his pharmacist-in-charge (PIC) documenting knowledge of his probationary status to the Board;
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

## NOTICES

Applicant is hereby notified as follows:

5. 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.

6. 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.

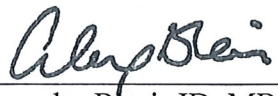
7. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

8. 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.

2/1/19  
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, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Javier Mendoza  
204 S Tulane  
Liberal, KS 67901

  
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Kansas Board of Pharmacy Staff