

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Michele Minden)
14-18417)
_____)

Case No. 17-102

SUMMARY ORDER OF DENIAL

NOW on this 21 day of December, 2017, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Michele Minden, (“Applicant”), for application for a renewal of her Kansas pharmacy technician license.

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 May 22, 2017, the Board received a background report from the Kansas Bureau of Investigation (“KBI”), indicating that Applicant had been arrested for battery on a law enforcement officer and interference with judicial officer.
2. On May 22, 2017, the Board sent a request to Applicant requesting the completion of a S-150 Personal History Form to explain the arrest and surrounding events.

3. On June 13, 2017, the Board received a completed S-150 from Applicant, explaining that she had tried to help a family member involved in an altercation, and that she understood that no charges were in fact filed over the incident after she was released from custody.

4. On August 18, 2017, the Board received an updated report from KBI that indicated charges had been filed against Applicant based on the April, 2017 arrest.

5. On September 11, the Board requested Applicant to provide greater detail about the April, 2017 charges and developments in court.

6. On or about September 30, 2017, the Board received an updated S-150 from Applicant, further explaining that she had thought the charges had been dropped. Applicant also expressed remorse for the incident and provided information about pending court dates to discuss the charges.

7. On October 24, 2017, the Board received Applicant's application for renewal of licensure as a pharmacy technician in the State of Kansas ("Applicant's Application").

8. On or about December 12, 2017, the Board received notification that Applicant had been found guilty of obstructing law enforcement and sentenced to 90 days confinement.

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. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a licensee who 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), unprofessional conduct means conduct likely to deceive or harm the public.

5. Applicant's arrest and conviction for obstructing law enforcement resulting in sentencing to 90 days confinement and lack of evidence of rehabilitation, is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for renewal of pharmacy technician licensure is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

6. 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.

7. 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.


8. 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.

9. 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.

12/21/17
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of December, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Michele Minden
24335 W 351st
Paola, KS 66071



Kansas Board of Pharmacy Staff