

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Emmisha Murray)
14-102775)
_____)

Case No. 17-088

SUMMARY ORDER OF DENIAL

NOW on this 1 day of November, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Emmisha Murray, ("Applicant"), for application for a Kansas pharmacy technician application.

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 Investigative Member makes the following findings of fact:

1. On April 17, 2017, 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 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. The background report provided to the Board by the Kansas Bureau of Investigation reports the following offenses:

- a. 2010 Felony Property Damage Arrest
- b. 2011 Felony First Degree Robbery Arrest
- c. 2012 Felony Making a Terrorist Threat Charge
- d. 2014 Shoplifting Arrest
- e. 2015 Misdemeanor Theft of More Than \$500 Value Conviction

4. On May 31, 2017, the Board requested Applicant submit a completed S-150 Personal History Form. Applicant explained that she had not been convicted of the charges listed in the background report, but offered no explanation of how or why the arrests occurred in any of the listed incidents.

5. On May 31, 2017, the Board requested a second S-150 from Applicant, and requested that she explain the circumstances leading to the various felony arrests listed on her background report.

6. On June 20, 2017 Applicant submitted a second completed S-150 Personal History Form to the Board, stating that she had not been convicted of any of the crimes the Board was inquiring about.

7. On August 2, 2017, the Board received a notification from KBI detailing Applicant being arrested for possession of a controlled substance and criminal use of a firearm in 2015. The charges were not prosecuted.

8. On September 28, 2017, Applicant sent to the Board office court documents listing the conviction and probation terms for the 2015 Misdemeanor Theft charge.

9. On September 29, 2017, the Board notified Applicant that she had 10 days to submit any last explanation of the circumstances surrounding her various arrests or other court documents.

10. To-date, the Board has received no other correspondence from Applicant.

CONCLUSIONS OF LAW

11. 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.

12. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a licensee who has been convicted of a crime 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 the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

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

15. That pursuant to K.S.A. 65-1627(a)(15), the Board may deny the granting of a license to a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

16. Applicant's various felony arrests and theft conviction, and lack of sufficient 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).

17. Applicant's failure to provide the Board with further information involving her previous arrests and charges is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

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:

18. 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.

19. 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.


20. 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.

21. 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.

10/31/17
Date

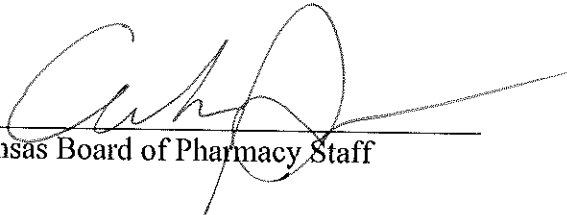


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 1 day of November, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Emmisha Murray
4317 Bellefontaine Ave
Kansas City, MO 64130



Kansas Board of Pharmacy Staff