

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Case No. 19-356

Priyanka Nath

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) that the Registration Application as a Pharmacy Intern submitted by Priyanka Nath (Nath) is hereby GRANTED subject to a 2-year probationary status. The terms of probation are as follows:

- Notify the Board of any change in her criminal history or any future criminal offense incidents within 10 days of the change;
- Notify the Board of any change in employment within 10 days of the change;
- Inform employers of the probationary status of her pharmacy intern registration;
- Obtain the signature of her pharmacist-in-charge (PIC) and preceptor documenting knowledge of her probationary status and submit the same to the Board; and,
- Comply with all rules and regulations of the Pharmacy Practice Act.

Statement of Case

This matter comes on for hearing on this the 12th day of September 2019, before the Board upon the application of Nath for registration as a pharmacy intern in the State of Kansas.

Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Bill Walden, R.Ph; Michael Lonergan, R.Ph.; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; and, Cheri Pugh, Public Member.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Nath appeared in person. Appearing with Nath was an attorney that had assisted her in a related matter; however, not an attorney of record for Nath.

Evidentiary Rulings

The Board offered Exhibits 1 through 6 for admission as evidence. Nath had no objection. Exhibits 1 through 6 were admitted into evidence.

Discussion

Findings of Fact

1. As of May 6, 2017, Nath was registered as a Pharmacy Technician in the State of Kansas.
2. On May 10, 2017 the Board was made aware that Nath had been charged with driving under the influence of alcohol on May 6, 2017.
3. On May 22, 2017 the Board mailed Nath a request to complete a Form S-150 Personal History explaining the incident on May 6, 2017.

4. Nath did not respond to the request.
5. On June 27, 2017 the Board sent another, final request to Nath to complete a Form S-150 Personal History regarding her arrest and charge with driving under the influence on May 6, 2017.
6. Nath did not respond to the request.
7. On December 28, 2017 the Board issued a Summary Order of Revocation, revoking Nath's Pharmacy Technician registration.
8. Nath entered into a Diversion Agreement on the charge of driving under the influence.
9. Nath completed the terms of the diversion agreement in September of 2018, at which time the charge of driving under the influence was dismissed.
10. On or about May 13, 2019 the board received Nath's application for registration as a pharmacy intern in the State of Kansas.
11. On the application, Nath responded "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?"
12. On the application, Nath responded "Yes" to the question asking if she had "ever 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.”

13. Nath submitted a S-150 Personal History Form setting forth an explanation regarding her diversion for the charge of driving under the influence of alcohol on or about May 6, 2017. Nath disclosed on the S-150 that she had been arrested on May 6, 2017 on charges of driving under the influence after she was initially subject to a traffic stop for failure to maintain a lane.

14. Nath stated that she was not working as a Pharmacy Technician at the time that the Board sent her the notices requesting the Form S-150 Personal History.

15. Nath stated that her counsel, whom she could not recall, advised her to wait to respond to the letter(s) from the Board.

16. Nath stated that it was a mistake to drive that night and that it was unacceptable to not respond to the letters from the Board.

17. Nath took responsibility for her actions.

Applicable Statutes, Regulations and Policies

1. “The board may limit, suspend or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy intern 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.” K.S.A. 65-1676.

2. The Board may deny the granting of a license to a pharmacist who has been convicted of a “felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.” K.S.A. 65-1627(a)(2).

3. The Board may deny the granting of a license to a pharmacist who fails to show that they have “been sufficiently rehabilitated to warrant the public trust.” K.S.A. 65-1627(a)(2).

4. The Board may deny the granting of a license to a pharmacist who has been found “guilty of unprofessional conduct.” K.S.A. 65-1627(a)(3).

5. The Board may deny the granting of a license to a pharmacist who has “failed to comply with any lawful order or directive of the Board.” K.S.A. 65-1627(a)(16).

6. Unprofessional conduct is defined as “conduct likely to deceive or harm the public.” Pursuant to K.S.A. 65-1626(tt)(7).

7. In considering this matter the Board expressed concern that Nath had failed, not once, but twice, to respond to letters issued by the Board, noting that Nath’s failure to communicate resulted in a worse set of circumstances.

Decision

The Board voted unanimously to grant Nath’s application for issuance of pharmacy intern registration subject to a 2-year probationary status, with the standard terms and conditions of probation.

Date

John Worden, PharmD, President
Kansas Board of Pharmacy

NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

I hereby certify that I did, on the ____ day of November, 2019 deposit in business mail a copy of the foregoing Final Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Priyanka Nath
14505 Newton St.
Overland Park, KS 66223

Randall Forbes
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

Staff Person
Kansas Board of Pharmacy