

July 22, 2021

MERSADIES NICE  
204 N CULLISON MAIN ST  
CULLISON, KS 67124

RE: Case No. 21-102

Dear Ms. Nice:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Mersadies Nice )  
 )  
Registration No. 14-17721 )

Case No. 21-102

**SUMMARY ORDER**

NOW, on this 22<sup>nd</sup> day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Mersadies Nice, (“Respondent”).

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 investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

**FINDINGS OF FACT**

1. The Board has previously issued Respondent a pharmacy technician registration number of 14-17721, authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On or about May 4, 2021, the Board received information regarding a misdemeanor DUI charge laid against Respondent in an arrest incident on April 24, 2021.

3. On May 4, 2021, the Board mailed a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”) regarding the incident, as well as certified copies of the court pleadings from the case.

4. On or about June 4, 2021, the Board received the requested documents from Respondent. In addition to her S-150, Respondent had submitted two letters of reference from her place of work, and court documents indicating that the case in question was still ongoing.

5. Respondent's documents detailed that after a "fun-filled, extremely rare" evening of drinking with work comrades, she had attempted to drive home while under the influence of alcohol. Respondent noted in her statement that she had been in the "wrong place [at the] wrong time" as she had stopped to help a stranded stranger and was subsequently approached by a highway patrolman on the scene. Respondent's S-150 stated embarrassment and strain experienced as a result of poor choice, but that she is neither a frequent drinker, nor a nuisance to society. The accompanying letters of reference described Respondent's value to her place of work and her normative display of good judgement there.

6. To date, the Board has received from Respondent no updates on this pending case.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may limit a 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 place in a probationary status the license of any pharmacist upon a finding that the licensee is guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to harm the public.

4. Respondent's misdemeanor DUI charge is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3), as she is still awaiting the results of her court sentence and is, therefore, unable to show that she has been sufficiently

rehabilitated to warrant the public trust at this time. Furthermore, Respondent's admittedly poor judgment in attempting the operation of a vehicle while under the influence of alcohol, and so placing the public at a likely risk of harm, is a basis to place Respondent's registration in a probationary status.

5. To prevent further risk, the continuance of Respondent's registration should be carefully supervised and scrutinized to ensure protection of the public.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with any terms of any court determination regarding the aforementioned April 2021 DUI charge, and must notify the Board of the implementation of any such terms, or any change in such terms, within 10 days of such implementation or such change;
- Respondent must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- Respondent must notify the Board of any change in employment within 10 days of the change, and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;
- Respondent must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and

- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. Respondent 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.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. 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.
4. 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.

7/22/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of July 2021, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

MERSADIES NICE  
204 N CULLISON MAIN ST  
CULLISON, KS 67124



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Kansas Board of Pharmacy Staff