

Filed By  
 FEB 17 2015  
 KANSAS STATE  
 BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
ARIELL NIERENBERG )

Case No. 15-016

SUMMARY ORDER OF DENIAL

NOW on this 12 day of Febr., 2015, comes before the Kansas Board of Pharmacy (the “Board”), through its Investigation Member, the application of Ariell Nierenberg (the “Applicant”) 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 Procedures Act, K.S.A. 77-501, et seq., the Board’s Investigation Member 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 January 21, 2015 the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. In completing Applicant’s Application, she indicated that she had not been found in any criminal proceeding to have violated any state drug law.
3. The Applicant’s Criminal History provided to the Board by the Kansas Bureau of Investigation showed that on August 8, 2008 she had been convicted of the use or possession of drug paraphernalia to introduce into the human body in violation of K.S.A. 65-4152(a)(2).

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4. The Applicant's Application also failed to disclose that on June 3, 2013 she was convicted of driving under the influence of alcohol or drugs.

#### CONCLUSIONS OF LAW

5. 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.

6. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

7. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

8. That the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

9. The Applicants failure to disclose the criminal convictions identified in paragraphs 3 and 4 above, is an attempt to obtain a registration by fraud and is a basis to deny Applicant's Application.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

#### NOTICES

The Applicant is hereby notified as follows:

10. The Applicant may request a hearing pursuant to the Kansas State Administrative Procedures Act by filing a written request with the Kansas Board of Pharmacy,

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800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

11. If a hearing is not requested as described above, the Order revoking the 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.

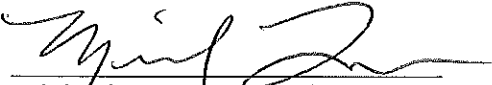
12. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

13. 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:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

2-12-15  
Date

  
Michael Lonergan, R.Ph.  
Investigation Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17 day of February, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Ariell Nierenberg  
4204 SW Windsor Ct.  
Topeka, KS 66604

Mitzi Dadds  
Kansas Board of Pharmacy Staff