

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
NOV 14 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Deena Noll)
)
_____)

Case No. 16-136

SUMMARY ORDER OF DENIAL

NOW on this 14th day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Deena Noll (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 Procedure 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 or about May 2, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas.
2. As part of Applicant's application she answered "No" to the question: "Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?"

3. The background report provided to the Board by the Kansas Bureau of Investigation (“KBI”) indicated Applicant was arrested on or about July 27, 1999, for forgery.

4. The background report provided to the Board by KBI indicated that on or about August 8, 2002, Applicant was arrested for Class A misdemeanor possession of opiates. The charge was dropped by the prosecution.

5. The background report provided to the Board by KBI indicated that on or about April 19, 2004 Applicant was arrested on or about September 29, 2002, for Class A misdemeanor possession of opiates and was convicted of Class A misdemeanor possession of depressants.

6. As part of Applicant’s application, she certified that the information provided was true, correct and complete and that she understood that withholding relevant information was grounds for denying her application.

7. On May 10, 2016 a representative of the Board wrote Applicant, indicating the results of Applicant’s criminal history report and requesting Applicant provide additional court documentation concerning her criminal history before June 10. The Board again contacted Applicant on July 8, 2016 and Applicant was allowed until August 15, 2016 to submit documents pertaining to Applicant’s criminal history. To date, Applicant has not provided the Board with the requested documentation or responded in any way.

CONCLUSIONS OF LAW

8. 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.

9. 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).

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

11. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

12. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist “has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

13. Applicant’s failure to disclose their criminal history is an attempt to obtain a registration by fraud and is a basis to deny Applicant’s Application.

14. Applicant’s failure to respond to the Board’s request for documentation regarding Applicant’s offense history is a basis to deny Applicant’s Application pursuant to K.S.A. 65-1627.

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:

15. 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.

16. 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.


17. 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.

18. 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.

11/10/16
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Deena Noll
11137 W 76 Terrace, Apt 35
Shawnee, KS 66214



Kansas Board of Pharmacy Staff