

August 22, 2019

PARISS NUNEZ
2710 KIRKWOOD DR
MANHATTAN, KS 66502

RE: Case No. 19-062

Dear Ms. Nunez:

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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

Filed By

AUG 22 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Pariss Nunez)
)
Applicant)

Case No. 19-062

SUMMARY ORDER

NOW, on this 22nd day of August 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Pariss Nunez ("Applicant"), for application for a Kansas pharmacy technician registration.

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

FINDINGS OF FACT

1. On February 8, 2019, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant answered "Yes" to the following question on her application: "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. Applicant's Application briefly disclosed a 2007 marijuana possession juvenile conviction.

4. On February 18, 2019, the Board received additional information regarding charges of aggravated assault with a deadly weapon, possession with intent to sell, multiple probation violations, runaway, obstructing legal process, and in 2013, driving with a suspended license and without insurance, and failure to report an accident with an unattended vehicle.

5. On February 27, 2019, the Board mailed Applicant a letter requesting explanation of and court documents for all charges.

6. On or around April 1, 2019, the Board received documents which were not substantial or inclusive enough to satisfy the Board's request for documentation and review.

7. On May 2, 2019, while still waiting to receive further documentation, the Board received additional information regarding March 20, 2019 second offense charges of driving with a suspended license and without insurance. To date, the Board has not received any court proceedings regarding these 2019 offenses, nor those of 2013.

8. The Board's Individual License Evaluator subsequently conducted a phone interview with Applicant. Evaluator noted that Applicant stated she was unaware she did not truthfully respond to the Board, and that Applicant did not accept full responsibility for the 2007 marijuana and assault incident. Evaluator concluded that Applicant's inability to recall arrests and charges does not meet the level of transparency and professionalism required for registration as a technician. Evaluator recommended Applicant's registration be considered for denial, until such time as Applicant can successfully apply and provide appropriate documentation.

CONCLUSIONS OF LAW

1. 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.

2. Pursuant to K.S.A. 65-1627(a)(2), the Board may deny an application upon a finding that the licensee has been convicted of any felony or misdemeanor, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public.

5. Applicant's possession and assault offenses are a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2), specifically in that Applicant has not demonstrated completion of all court requirements, Applicant failed to take responsibility for her actions or fully disclose offenses to the Board, and Applicant failed to demonstrate consciousness of her wrongful conduct to show she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's withholding or omission of information from the Board and pattern of criminal offenses and behavior over more than ten years including a recent arrest has the potential to endanger the public in a pharmacy setting and is unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

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:


1. 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.
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.

Date

8/22/19



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of August 2019, 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:

PARISS NUNEZ
2710 KIRKWOOD DR
MANHATTAN, KS 66502



Kansas Board of Pharmacy Staff