

800 SW Jackson St., Suite 1414
Topeka, KS 66612



Phone: (785) 296-4056
Fax: (785) 296-8420
pharmacy@ks.gov
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

January 13, 2022

ESMERALDA PATINO-VERA
1301 SANTA FE TRAIL RD
EMPORIA, KS 66801

RE: Case No. 21-258

Dear Ms. Patino-Vera:

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

JAN 13 2022

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Esmeralda Patino-Vera)
Registration No. 24-115626)

Case No. 21-258

SUMMARY ORDER

NOW, on this 15th day of January 2022, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Esmeralda Patino-Vera, ("Applicant"), for application 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 Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On August 6, 2021, 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 questions 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 and Have you ever been charged with or convicted of (includes plea of guilty of no contest) a violation of any federal or state drug law(s) or rules(s) whether or not a*

sentence was imposed, suspended, or diverted? The application directs that if the applicant answers “YES”, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In her Form S-150, Applicant disclosed that she had received misdemeanor charges of possession of marijuana and possession of drug paraphernalia in December of 2019 and then again in December of 2020, for two separate incidents. Applicant’s statement and accompanying court documents indicated that she was serving diversion for the 2019 charges when the 2020 incident took place. Following her plea of no contest to the 2020 charges, the court agreed not to revoke Applicant’s 2019 diversion, and so placed her on an 18-month reporting probation which began on May 27, 2021.

4. The Board subsequently received a background report confirming such history.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may take action on an application for issuance 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 place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, 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 place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

5. Applicant's possession charges are bases to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(2), as she is still under her court probation and is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's incidents involving marijuana and paraphernalia are unprofessional conduct and a basis to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3). The potential harm of repeatedly breaking laws and endangering the public may place the pharmacy community at risk. Also of concern are the nature and recentness of charges.

7. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure the protection of the public.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED, SUBJECT TO A 2-YEAR PROBATIONARY STATUS. The terms of Applicant's probation are as follows:

- Applicant must continue compliance with the terms of her court diversion and probation agreements;
- Applicant must notify the Board of any change in her court status within 10 days of the change;
- Applicant must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;

- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

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.


1/13/2022
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of January 2022, 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:

ESMERALDA PATINO-VERA
1301 SANTA FE TRAIL RD
EMPORIA, KS 66801



Kansas Board of Pharmacy Staff