

July 14, 2021

SARENA PIETRO-TRACY
9230 W 73rd ST
OVERLAND PARK, KS 66204

RE: Case No. 21-081

Dear Ms. Pietro-Tracy:

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

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Sarena Pietro-Tracy)
)
Applicant)

Case No. 21-081

SUMMARY ORDER OF DENIAL

NOW, on this 14th day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Sarena Pietro-Tracy (“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 of Denial 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 February 5, 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 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.* The application instructs that if the applicant answers “YES”, he or she must include a Form S-150 Personal History (“S-150”).

3. In her S-150, Applicant disclosed a college LSD incident during which she struck her roommate and subsequently was taken to the hospital before being placed in jail. Applicant supplied a related battery diversion agreement, to last twelve months through May 29, 2019, and a certificate of completion of eight hours of drug information class as required in the diversionary terms. Not provided was the Substance Abuse Evaluation which was to be completed by Applicant during her diversion period. Also submitted to the Board was an unrelated 2019 court journal of entry showing that Applicant had been found guilty of possession of marijuana and of possession of a false ID, with an additional charge for possession of drug paraphernalia having been dismissed. For these latter charges, Applicant had been placed on a six-month probation.

4. On or about February 11, 2021, the Board received a background report confirming the 2018 misdemeanor domestic battery charge and the May 2019 misdemeanor convictions for possession of marijuana and for unlawful use of a driver's license.

5. On February 15, 2021, the Board mailed to Applicant's address of record a letter requesting court documents that would show her successful completion of the battery diversion and her successful compliance with all requirements of the marijuana possession conviction.

6. On March 2, 2021, the Board received the requested court documentation from Applicant. The documents indicated that the battery diversion was successfully completed and dismissed on September 18, 2019, and that fines from the 2019 case had been paid and the case successfully closed. No probation termination papers were provided, nor any disclosure of the circumstances surrounding or nature of the related 2019 possession charges, nor the Substance Abuse Evaluation relating to the 2018 battery diversion agreement.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may deny 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 deny an application 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 deny an application of any pharmacist who has been found guilty of unprofessional conduct or professional incompetency.

4. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct includes conduct likely to harm the public, as well as the unlawful possession of drugs.

5. Applicant's marijuana conviction is a basis to deny Applicant's application pursuant to K.S.A. 65-1627(a)(2), as she has failed to provide any supporting documentation showing that she has been sufficiently rehabilitated from the marijuana substance to warrant the public trust at this time.

6. Applicant's admitted use of LSD, the resulting battery event, and her possession of marijuana are each and all unprofessional conduct, and so are bases to deny Applicant's application pursuant to K.S.A. 65-1627(a)(3). Additionally, the recentness of Applicant's incidents and their relation to illicit drugs, when combined with the pharmacy setting that requires a high degree of exposure and access to controlled medications, present a heightened opportunity for diversion, and therefore pose a risk to both the public and the pharmacy community.

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.

7/14/2021

Date

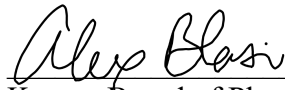


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of 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:

SARENA PIETRO-TRACY
9230 W 73rd ST
OVERLAND PARK, KS 66204



Kansas Board of Pharmacy Staff