

April 5, 2023

Nikki Plante
37002 C Road
Ellis, KS 67637

RE: Case No. 23-208

Dear Nikki Plante:

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)
Nikki Plante)
)
Applicant)

Case No. 23-208

SUMMARY ORDER OF DENIAL

NOW, on this 5th day of April 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Nikki Plante (“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 December 5, 2023, 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 his 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. The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History. Instructions from the Form S-150 indicate Applicant should explain the “who, what, where, when, why, and how” of the situation(s); list any additional facts that explain why the Applicant should be licensed or registered, and include information regarding:

- a. Current character and reputation.
- b. The nature and extent of any rehabilitation or treatment.
- c. Personal experience and level of competence in the profession.
- d. Circumstances that might help explain misconduct.
- e. Conduct, work, or volunteer history since time of any misconduct.

4. As part of Applicant’s Application, Applicant certified that the information provided was true, correct and complete, and understood that falsification of the information provided was grounds for denying Applicant’s Application.

5. In conjunction with Applicant’s Application, Applicant disclosed three assault misdemeanors in 2020 and a 2018 interference with a law enforcement officer offense. Applicant also provided a letter of good standing regarding her court-ordered probation, which was completed in October 2022. Applicant also provided relevant court documents and letters of recommendation.

6. The court documents indicated that Applicant had the following criminal offense history:

- a. In October 2016, Applicant was charged with a felony offense of unlawfully, feloniously, and knowingly falsely reporting to a law enforcement officer that someone had committed a crime. Applicant reported an automotive theft when, in

reality, Applicant had wrecked the vehicle and was trying to cover up her involvement. In 2018, Applicant pleaded no contest to an amended charge of misdemeanor falsely reporting a crime. Applicant was sentenced to 12 months of unsupervised probation, and payment of restitution and other fees.

- b. In December 2020, Applicant was charged with felony aggravated robbery, felony aggravated assault with a deadly weapon, and felony possession of methamphetamine. An Amended Complaint was later filed to add three counts of misdemeanor assault. On October 18, 2021, Applicant pleaded no contest to the three misdemeanor assault charges and, as a result, the felony charges were dismissed. Applicant was sentenced to 12 months of supervised probation, which was terminated for successful completion.

7. The Board received additional information concerning a November 2016 use/possess w/intent to use drug paraphernalia into human body offense against Applicant.

8. On December 7, 2022, the Board mailed Applicant a letter requesting a more detailed, complete Personal History Form S-150, as well as certified copies of the court pleadings from each case.

9. On or about December 14, 2022, the Board received court documentation identical to that provided in Applicant's Application.

10. On or about January 19, 2023, the Board emailed Applicant a second request for a more detailed, complete Personal History Form S-150, and answers to blank personal history questions not answered on Applicant's Application.

11. On January 24, 2023, the Board received completed answers for Applicant's Application and a very brief S-150 Form that merely restated the questions and provided a brief list of offenses.

12. On March 16, 2023, the Board's investigator contacted Applicant by telephone to gain additional information regarding the circumstances surrounding Applicant's criminal offense history. Applicant reported a CNA registration but provided no license verification to the Board.

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)(3), the Board may deny an application of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

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

5. Applicant's amount of time elapsed since misconduct (2016 charges completed in 2019, 2020 charges completed in October 2021), recency of her most recent convictions, the seriousness of the felony charges which were later reduced to misdemeanors for plea agreements, and lack of any acceptance of personal responsibility or consciousness of wrongful conduct by

Applicant, all suggest that Applicant is not fully rehabilitated from her criminal offense history to warrant the public trust in the pharmacy setting.

6. Applicant's false reporting to law enforcement to cover up her own actions, as well as her misdemeanor assault convictions are unprofessional behavior likely to harm the public in the pharmacy setting, and are a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

7. Additionally, despite repeated requests for a detailed, complete S-150 Form that follows the instructions and provides the Board with information about the offenses, Applicant failed to provide this information to the Board. Applicant's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to deny Applicant's Application. The result of not having this information was further evidence of Applicant's lack of rehabilitation from her offenses.

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.

4/5/2023
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of April 2023, 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:

Nikki Plante
37002 C Road
Ellis Kansas 67637



Kansas Board of Pharmacy Staff