

July 22, 2021

LAURA RHODES
3105 RANGER DR
LAWRENCE, KS 66049

RE: Case No. 21-082

Dear Ms. Rhodes:

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)
)
Laura Rhodes)
)
Applicant)

Case No. 21-082

SUMMARY ORDER OF DENIAL

NOW, on this 22nd day of July 2021 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Laura Rhodes (“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 8, 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.* For the following question, Applicant had scribbled out “YES” and instead selected “NO” as her answer: *Have you ever been charged with or convicted of (includes*

plea of guilty or no contest) a violation of any federal or state drug law(s) or rule(s) whether or not a sentence was imposed, suspended, or diverted? The application directs that if the applicant gives an answer of “YES” he or she must include a Personal History Form S-150 (“S-150).

3. In her S-150, Applicant disclosed a 2006 felony charge for possession of a controlled substance with intent to distribute. The court documents provided also listed a second felony charge for delivery/possession of a controlled substance at a county/private jail without a written prescription. The court documents outlined that Applicant pled guilty in order to receive a Suspended Imposition of Sentence, for which she was placed under a five-year supervised probation beginning April 2, 2007, and ordered to complete the court’s drug treatment program as a term of such. According to the court docket, Applicant’s SIS probation was successfully completed on April 2, 2012. Applicant noted that she had “served 121 days incarcerated and completed all drug rehab as well as 5 years post release and outpatient drug rehab,” and that she had since obtained her Missouri pharmacy technician license.

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

5. On or about February 11, 2021, the Board received a background report indicating an additional charge for misdemeanor theft in 2002.

6. On February 16, 2021, the Board mailed a letter to Applicant’s address of record requesting a more thorough S-150, as well as certified copies of the court pleadings from the case.

7. On March 1, 2021, the Board received from Applicant the requested documents, which indicated that on June 10, 2002, she had entered a one-year diversion agreement after she

was caught stealing sunglasses. Regarding the disclosed 2006 incident, Applicant now noted that although she was unaware she was traveling in a car which contained five pounds of marijuana in the trunk, she herself had on her possession a “baggie with a tiny bit of marijuana in it,” which was found upon her being jailed.

8. Subsequently, Applicant’s submitted documents were forwarded to the Board’s Individual License Evaluator (“the Evaluator”) for review. A phone interview with Applicant was conducted by the Evaluator. No letters of recommendation or character references were provided by Applicant.

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)(1), the Board may deny an application of any pharmacist who has obtained or attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

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, and/or fraud in securing a registration.

5. Applicant’s false response to the application question concerning any violation of drug law, as well as her failure to divulge the additional felony marijuana charge or the theft case on her application after having certified as to its completeness, were misrepresentations of material fact and bases to deny Applicant’s Application, pursuant to K.S.A. 65-1627(a)(1).

6. Applicant's theft incident and possession conduct, as well as the aforementioned misrepresentations, are unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). Applicant failed to demonstrate any acceptance of responsibility, acknowledgement of wrongdoing, or the seriousness of the nature of her misconduct. The relation of Applicant's misconduct to controlled substances and to the act of theft, when combined with the pharmacy setting that requires a high degree of exposure and access to controlled medications, present a heightened opportunity of diversion, and therefore pose risks 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.

7/22/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd 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:

LAURA RHODES
3105 RANGER DR
LAWRENCE, KS 66049



Kansas Board of Pharmacy Staff