

July 25, 2023

Nicole Roberts
308 E. Cedar Street Apt 6
Olathe Kansas 66061

RE: Case No. 23-292

Dear Nicole Roberts:

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)
)
Nicole Roberts)
)
)
)
Applicant)

Case No. 23-292

SUMMARY ORDER OF DENIAL

NOW on this 25th day of July 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Nicole Roberts (“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 investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 21, 2022, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. As part of the application, Applicant answered “Yes” to the question: “Have you ever been 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 directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History. Applicant provided an S-150 that noted a past DUI.

3. The Board received information regarding an October 2010 possess opiates/opium/narc drug and certain stimulants offense; a September 2011 probation violation, failure to appear and misdemeanor criminal use of a financial card offense; a September 2011 misdemeanor giving worthless check, Probation Violation, driving while cancelled/suspended/revoked, 1st conviction and vehicles, liability insurance coverage required offense(s); a September 2011 criminal use of financial card value >\$1,000, probation violation, driving while cancelled/suspended/revoked, 1st conviction and vehicles, liability insurance coverage required offense(s); an October 2011 theft of property or services, value less than \$1,000 and possession of certain depressants offense; a January 2013 probation violation, driving while suspended, 1st conviction, maximum speed limits infraction and contempt of court, direct offense(s); an October 2015 possession of opiate, opium, narcotic or certain stimulant, possession of substance in KSA 65-4104 and KSA 65-4111, and use/possess w/intent to use drug paraphernalia into human body offense(s); and a July 2019 use/posses w/intent to use drug paraphernalia into human body offense against Applicant.

4. On November 28, 2022, the Board sent a letter to Applicant's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

5. On December 21, 2022, the Board received a request from Applicant for additional time to provide the required documentation, which was granted.

6. On January 23, 2023, the Board received a statement, court summary, and court documents. The documents did not include the July 2019 offenses.

7. On May 3, 2023, the Board sent a second letter to Applicant's address of record requesting a completed Personal History Form S-150 as well as certified copies of all court proceedings from the July 2019 offense.

8. On May 31, 2023, the Board mailed and emailed a Final Notice to Applicant's address of record requesting this information.

9. On June 15, 2023, the Board received a request from Applicant for additional time to provide the required documentation, which was granted.

10. To date, the Board has not received the requested documentation or any further correspondence.

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. 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.

3. 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.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES

SUMMARY ORDER OF DENIAL

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The Applicant is hereby notified as follows:

1. The 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

7/25/2023

Date

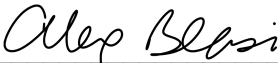
Alex Blasi

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of July 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:

Nicole Roberts
308 E. Cedar Street Apt 6
Olathe Kansas 66061



Kansas Board of Pharmacy Staff