

January 8, 2024

Francisco Rodriguez-Mayorga
10237 Millstone Dr, Apt 5103
Lenexa KS 66220

RE: Case No. 23-462

Dear Mr. Rodriguez-Mayorga:

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)
)
Francisco Rodriguez-Mayorga)
)
Registration No. 14-115898)

Case No. 23-462

SUMMARY ORDER

NOW, on this 8th day of January, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Francisco Rodriguez-Mayorga, (“Respondent”), for a renewal 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 investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-115898 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On or about August 17, 2023, the Board received information regarding August 2023 domestic battery, unknown circumstance; disorderly conduct brawling or fighting; liquor; purchase/possess/consume by minor 18-20 yrs; and criminal damage to property, without consent value > \$25,000 offenses against Respondent.

3. On August 17, 2023, the Board sent a letter to Respondent's address of record requesting a completed Personal History Form S-150 ("S-150"), as well as certified copies of the court pleadings from the case.

4. On September 5, 2023, the Board received a statement from Respondent confirming the above charges and indicating the case was ongoing.

5. On October 30, 2023, the Board received Respondent's renewal application for registration as a pharmacy technician in the State of Kansas ("Respondent's Application").

6. Respondent 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.

7. On November 29, 2023, the Board sent an email to Respondent's address of record requesting a case status update and all relevant court documents.

8. On December 7, 2023, the Board received the requested documentation, which indicated Respondent was entering into a 12-month diversion agreement.

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 place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

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

4. Respondent's recent offenses and diversion agreement demonstrate unprofessional conduct likely to harm the public, and are bases to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3). Since Respondent's court requirements are still ongoing, he has been yet unable to show sufficient rehabilitation to warrant the public trust.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Application for renewal of pharmacy technician registration is hereby GRANTED subject to a 2-YEAR probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of their court diversion agreement;
- Respondent must notify the Board of any change in their diversion status within 10 days of the change;
- Respondent must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must respond to the Board's regular check-in requests;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;

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

NOTICES


Respondent is hereby notified as follows:

1. Respondent 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.

1/8/2024
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of January, 2024, 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:

Francisco Rodriguez-Mayorga
10237 Millstone Dr, Apt 5103
Lenexa KS 66220



Kansas Board of Pharmacy Staff