BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 18-005
Kenia Rucoba)	
14-104488)	
)	

SUMMARY ORDER OF DENIAL

NOW on this 19 day of March, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kenia Rucoba, ("Applicant"), for her 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 of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

For purposes of this order, the Board's Executive Secretary makes the following findings of fact:

- 1. On or about November 16, 2017, 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 questions on her application:

 Is there any disciplinary action pending against you by any licensing jurisdiction, the USDA, DEA, or any other federal or state drug enforcement authority?

In the Matter of Kenia Rucoba 18-005 SUMMARY ORDER OF DENIAL Page 1 of 6 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.

Have you ever been charged with or convicted of (includes plea of guilty or no

contest) or charged with a violation of any federal or state drug law(s) or rule(s)

whether or not a sentence was imposed, suspended, or diverted?

3. In response, Applicant attached a handwritten personal history stating she was

arrested during the summer of 2017 and has a case currently pending for possession of

marijuana and drug paraphernalia

4. Application materials indicate Applicant had been arrested for misdemeanor

possession of marijuana and possession of drug paraphernalia on July 28, 2017.

5. On or about January 5, 2018, the Board sent Applicant a letter requesting she

provide court documents for the pending 2017 case.

6. On or about February 8, 2018, the Board sent a second letter requesting she

provide court documents for the pending 2017 case.

7. On or about February 12, 2018, the Board received Applicant's requested court

documents.

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)(2), the Board may deny the granting of a license

to an applicant who has been convicted of a misdemeanor involving moral turpitude or gross

immorality or any felony and the applicant fails to show that the applicant has been sufficiently

rehabilitated to warrant the public trust;

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license

to an applicant who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(sss)(5) and 65-1626(sss)(7), unprofessional conduct

includes both unlawful possession of drugs and conduct likely to deceive or harm the public.

5. Applicant's recent arrest for possession of marijuana and drug paraphernalia

combined with the offense's lack of full adjudication to date is a basis to deny Applicant's

Application pursuant to K.S.A. 65-1627(a)(2) due to Applicant's inability to show she has been

sufficiently rehabilitated to warrant the public trust.

6. Applicant's arrest for possession of marijuana and drug paraphernalia

constitutes unlawful possession of drugs and is unprofessional conduct and is a basis to deny

Applicant's Application pursuant to 65-1627(a)(3).

7. Applicant's recent drug arrest and disregard for the law poses a danger to the

public in the pharmacy setting, especially given the access pharmacy technicians may have to

legal drugs with a high propensity for diversion, and is a basis to deny Applicant's Application.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's

Application for issuance of pharmacy technician registration is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

Applicant may request a hearing pursuant to the Kansas Administrative 8.

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.

9. If a hearing is not requested as described above, the Order denying Applicant's

Registration as a pharmacy technician shall become a final order of the Board, effective upon

the expiration of the time to request a hearing.

Within fifteen (15) days after entry of a final agency order, either party may file 10.

a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek 11.

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.

In the Matter of Kenia Rucoba 18-005 SUMMARY ORDER OF DENIAL

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Alexandra Blasi, D, MBA Executive Secretary

Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19 day of March, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Kenia Rucoba 116 S. Franklin Ave Anthony, KS 67003

Kansas Board of Pharmacy Staff