

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:

8. 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.

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.


10. 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.

11. 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.


3/18/18
Date


Alexandra Blasi, JD, 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