

March 13, 2023

Lakesha Rushing  
7322 Earnshaw Street  
Shawnee Kansas 66216

RE: Case No. 23-042

Dear Lakesha Rushing:

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Lakesha Rushing )  
 )  
Applicant )

Case No. 23-042

**SUMMARY ORDER OF DENIAL**

NOW on this 13th day of March 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Lakesha Rushing (“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. The Board previously issued Applicant registration number 14-09985 on March 3, 2010 which entitled Applicant to practice as a pharmacy technician in Kansas. The registration expired for nonrenewal on October 31, 2011.

2. On September 28, 2022, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

3. As part of the application, Applicant answered “Yes” to the following questions on Applicant’s Application:

- a. “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.”

- b. “Have you ever been pardoned from a felony or misdemeanor criminal conviction?”
4. The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History and certified court documents from each offense.
  5. In conjunction with Applicant’s Application, the Board received a Form S-150: Personal History statement with the following information:
    - a. “2004 I was on probation for [misdemeanor] I successfully completed program”
    - b. “In 2010 I had a pharmacy tech license with United Health Group which was taking, but received it back after I wrote the state Board.”
  6. Applicant’s Application did not include any court documents.
  7. In conjunction with Applicant’s Application, Applicant certified that she understood that falsification or misrepresentation of the information on her Application may constitute grounds for denial of Applicant’s Application. Applicant also certified that she read and understood the application and that the information Applicant provided was true, correct, and complete to the best of her knowledge.
  8. The Board received information regarding a 2004 aggravated assault offense; an October 2010 aggravated battery, reckless, great bodily harm offense; and an August 2022 aggravated battery, knowingly use physical contact in angry/rude manner w/weapon, and theft of property or services less than \$1,500 offenses.

9. On September 30, 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.

10. On October 28, 2022, the Board sent a second letter to Applicant's address of record requesting this information.

11. On November 30, 2022, the Board received certified court documents from Applicant indicating the following:

- a. In 2004, Applicant pleaded guilty to misdemeanor assault and disorderly conduct charges that were reduced from two counts of person, felony assault, level 7. Applicant completed a 12-month probation for the offense in December 2005. The assault included use of a handgun.
- b. In 2009, Applicant was charged with felony aggravated battery, reckless cause of great bodily harm or disfigurement of another person; driving under the influence of alcohol or drugs; and failure to use seat belt. While the case was dismissed, Applicant was under a significant period of house arrest and the battery charge involved a vehicle.
- c. In August 2022, Applicant was charged with misdemeanor theft and domestic battery.

12. On November 30, 2022, the Board mailed a Final Notice to Applicant's address of record requesting a completed S-150.

13. On January 3, 2023, the Board received a S-150 Personal History form from the Applicant that simply stated "All information was sent to the state Board of Pharmacy on Nov 5, 2022 by mail."

14. To date, no completed S-150 statement or any other detailed explanation of the charges and offenses has been received by the Board.

15. The Board's licensing evaluator conducted a phone interview with Applicant, wherein Applicant indicated using marijuana.

#### 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)(1), the Board may deny the license of a pharmacist if the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

3. That pursuant to K.S.A. 65-1627(a)(3), the Board may deny the license of a pharmacist if the licensee is found by the board to be guilty of unprofessional conduct.

4. That pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct is defined as conduct likely to deceive, defraud or harm the public.

5. That pursuant to K.S.A. 65-1627(a)(15), the Board may deny 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.

6. Applicant's vague indication of only the 2004 and 2009 offenses on Applicant's Application and her failure to disclose the August 2022 arrest and charges which had occurred less than 45 days prior to the Board's receiving Applicant's Application is a blatant misrepresentation of a material fact and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(1).

7. Applicant's repeated assault charges constitute conduct likely to harm the public, especially in the pharmacy setting, and are considered unprofessional conduct by the Board. Additionally, Applicant recent theft and domestic battery charges demonstrate that Applicant has not rehabilitated from her past offenses and is, instead, demonstrating a pattern and practice of conduct that is illegal and unprofessional in the pharmacy setting because of its potential to endanger patients and consumers. Since Applicant was unwilling to provide a completed S-150 statement, the Board is unable to determine whether Applicant has any remorse or consciousness of her wrongful conduct. In the phone interview, Applicant suggested no awareness of the seriousness of her conduct and the impact on others, referring to the offenses as "minor." This unprofessional conduct and lack of rehabilitation from misdemeanor offenses and felony charges are bases to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

8. 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

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.

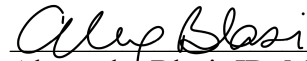
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

3/13/2023

\_\_\_\_\_  
Date

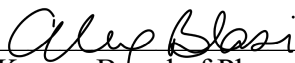


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Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13th day of March 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:

Lakesha Rushing  
7322 Earnshaw Street  
Shawnee Kansas 66216

  
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Kansas Board of Pharmacy Staff