

January 20, 2022

REBECCA SCHONEMANN
2120 N MUNICIPAL DR
FARMINGTON, NM 87401

RE: Case No. 19-383

Dear Ms. Schonemann:

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)
)
Rebecca Schonemann)
)
Applicant)

Case No. 19-383

SUMMARY ORDER OF DENIAL

NOW, on this 20th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Rebecca Schonemann (“Applicant”), for application for reinstatement of a Kansas pharmacist 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 application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board previously issued Applicant License No. 1-12414, which entitled Applicant to practice as a pharmacist in the State of Kansas.
2. On June 30, 2016, Applicant’s License No. 1-12414 expired.
3. On June 20, 2019, the Board received Applicant’s application for reinstatement as a pharmacist in the State of Kansas (“Applicant’s Application”).
4. Applicant answered “YES” to the following question on her 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. The application directs that if an applicant answers “YES”, he or she must attach a Form S-150: Personal History (“Form S-150”).

5. In her Form S-150, Applicant disclosed criminal trespassing charges in 2016 and 2017. Applicant stated that the 2016 charges were dropped after six months, and that she completed community service and restitution for the 2017 charge. Applicant’s Form S-150 also vividly detailed her struggle to maintain employment and housing following her release from work at KU Hospital Authority in 2016. Applicant framed this event, along with a domestic matter, as the catalysts for both criminal and personal struggles. Applicant stated several instances in which she found herself suspicious of others, and that she had “struggled with her sanity at times.” No letters of recommendation were included in the Form S-150.

6. On July 15, 2019, Applicant’s Application and accompanying documents were forwarded for review to the Board’s Individual License Evaluator (“the Board’s Evaluator”), who conducted a phone interview with Applicant (“Applicant’s Interview”). During such, Applicant again reported several historical instances of suspicion toward those around her, two psychiatric hospitalizations, and that in 2017 she received a clinical diagnosis of schizophrenia, which she rejects. Applicant also noted past substance use including marijuana, barbiturates, and alcohol.

7. On January 23, 2020, the Board sent a letter to the Kansas Provider Recovery Network’s (“KsPRN”) manager, referring Applicant to KsPRN for assistance in scheduling and completing her Evaluation.

- On January 24, 2020, KsPRN mailed a letter to Applicant requesting she attend such Evaluation scheduled for February 27, 2020, listing all relevant details

concerning such, and requiring she complete all necessary paperwork including the KsPRN Enrollment Info Form and a PHI Release.

- On January 31, 2020, Applicant emailed KsPRN to submit her completed PHI Release and her KsPRN Enrollment Info Form, in which she listed “unknown” for the description of the situation that caused her referral to the program. Applicant stated in the body of the email that “due to (her) financial situation, it seems that since this is an optional- and in (her) humble opinion -a very unnecessary evaluation being required by KsBOP that any overage fees ought to be covered by [them]”, but that she would do her best to comply.

8. On May 27, 2021, the Board received from Applicant an email inquiring about the status of her Application.

9. On May 28, 2021, the Board responded to Applicant’s email to let her know that it had not received any information regarding her Evaluation since the time of her referral to KsPRN in January 2020, and that her Application was therefore still pending action and scheduled for denial based on her failure to respond and provide the Evaluation to the Board for over a year.

10. On May 28, 2021, Applicant replied to the Board’s email response. In such reply, Applicant stated the following:

- That she had complied with all requirements and requests of the Board;
- That she had completed her Evaluation in March 2020, and had requested it be forwarded to the Board;

- That she had no copy of the Evaluation, so was attaching the evaluating doctor to the email thread, with whom her last correspondence had been in June of 2020; and
- That she did not believe it was a failure on her part to respond to the Board.

11. On June 4, 2021, the Board responded to Applicant's email statements, asserting that its last correspondence from her had been received in February of 2020, that it had received no written correspondence since that time, and that Applicant's Application had been long pending whilst awaiting receipt of her Evaluation. The Board concluded its email to Applicant by stating that her failure to provide copies of the requested Evaluation within 30 days would result in denial of Applicant's Application.

12. On June 7, 2021, the Board received a faxed document from Applicant from San Juan Health Partners that authorized disclosure of Applicant's medical records and included behavioral health clinical notes. The doctor provided no definitive diagnosis. Applicant had agreed with the doctor to a random urine analysis, and had scheduled another appointment to complete the Evaluation, as the doctor needed more time to ask further questions of Applicant to make a diagnosis.

13. On or about June 8, 2021, the Board received from KsPRN an email containing another faxed copy of Applicant's June 7, 2021 fax and a statement that KsPRN did not believe the documents met the requirements of the requested Evaluation. KsPRN notes no such second appointment or results of any urinalysis, and that Applicant's release of information had only been signed on June 7, 2021.

14. On June 14, 2021, the Board received from Applicant an email stating she didn't know why her submission hadn't been released sooner back in 2020 and so "therefore (she's) not delaying the process in submitting this."

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny an application for any license of any pharmacist who is found by the Board to be guilty of unprofessional conduct or professional incompetency.

2. Pursuant to K.S.A. 65-1626(vvv), unprofessional conduct means conduct likely to deceive or harm the public.

3. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny an application for any license of any pharmacist who has failed to furnish to the Board, its investigators, or its representatives any information legally requested by the Board.

4. Not irrelevant to these conclusions are K.S.A. 65-1627(a)(7) – which states that the Board may deny an application for any license of any pharmacist who is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy – and K.S.A. 65-1627(b) – which states that the Board has authority to compel a mental or physical examination or drug screen, or any combination thereof, by such persons as the Board may designate.

5. Despite Applicant's submission of behavioral health clinical notes, Applicant failed to provide the complete mental health evaluation requested by the Board and KsPRN.

6. Applicant's failure to provide a completed mental health evaluation is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(15) and K.S.A. 65-1627(a)(16), as that provided was both incomplete and inconclusive.

7. Though Applicant was cooperative and articulate during her interview with the Evaluator, her attitude cycled between agitation and giddiness. Applicant's communications with the Board exhibited disorganized speech and thought process. Applicant's self-reported inability to manage life skills efficiently and her report of experiencing life as "a terrifying, enduring, self-experienced reality of others knowing her thinking" are behaviors which could significantly impact Applicant's ability to perform the required responsibilities of a practicing pharmacist.

8. Furthermore, Applicant demonstrated no consciousness of the seriousness or wrongfulness of her criminal conduct, and that she had provided no documentation of psychiatric evaluation, treatment, and stability.

9. Applicant's unlawful incidents and failure to acknowledge wrongfulness of such conduct, her self-reported inability to manage life skills efficiently, her self-reported history of distrust in those around her, and her failure to take ownership regarding the untimely personal release of documents are each and all instances of unprofessional conduct and bases on which to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3) and K.S.A. 65-1626(vvv). The high-pressure environment of, attention to detail, and team atmosphere required in the pharmacy setting, combined with the nature of skills - including but not limited to timeliness - required to perform the duties of a pharmacist, necessitates Applicant demonstrate sufficient rehabilitation and current mental competency to practice the profession, something she was unwilling or unable to provide to the Board after a significant period of time and repeated requests.

ORDER

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

NOTICES

Applicant is hereby notified as follows:

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

IT IS SO ORDERED.

1/20/2022

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of January 2022, 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:

REBECCA SCHONEMANN
2120 N MUNICIPAL DR
FARMINGTON, NM 87401



Kansas Board of Pharmacy Staff