

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Amber Secord)
14-14380)
_____)

Case No. 18-112

SUMMARY ORDER

NOW on this 25 day of October, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Amber Secord, ("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 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 March 26, 2018, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant answered "No" 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.

3. Additional application materials indicated Applicant had previously received a February 20, 2018 felony interference with a law enforcement officer offense.

4. On April 6, 2018, the Board sent Applicant a letter requesting she submit a completed Personal History Form S-150 to explain the offense.

5. On May 21, 2018, the Board sent Applicant a second letter requesting she submit a completed Personal History Form S-150 to explain the offense.

6. On July 2, 2018, the Board sent Applicant a final letter requesting she submit a completed Personal History Form S-150 to explain the offense.

7. On August 8, 2018, Applicant called the Board stating she would be sending the completed Personal History Form S-150.

8. On August 8, 2018, the Board received Applicant's completed Personal History Form S-150.

9. On August 9, 2018, the Board's Individual License Evaluator conducted a phone interview with Applicant. The findings of that interview concluded that Applicant had no prior offenses, no report of substance abuse, and that she had passed her employer KBI drug screen at the time of employment.

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)(1), the Board may limit the license of an Applicant who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may limit the license of an Applicant who has been found guilty of unprofessional conduct.

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

5. Applicant's answer of "No" regarding her previous criminal history on her application is a misrepresentation of a material fact and is a basis to limit Applicant's Registration pursuant to K.S.A. 65-1627(a)(1).

6. Applicant's arrest for felony interference with a law enforcement officer is unprofessional conduct and a basis to limit Applicant's Registration pursuant to K.S.A. 65-1627(a)(3).

ORDER

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

Applicant must obtain approval from the Board before making changes in her employment;

Applicant must inform employers of the probationary status of her pharmacy technician registration;

Applicant must obtain her pharmacist-employer's signature documenting knowledge of her probationary status to the Board.

NOTICES

Applicant is hereby notified as follows:

7. 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.

8. 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.


9. 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.

10. 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.

10/25/18
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25 day of October, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Amber Secord
2325 SW Briarwood Plz – Apt 205
Topeka, KS 66611

Laura Moore
Kansas Board of Pharmacy Staff