

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Nichole Senger )  
14-05246 )  
\_\_\_\_\_ )

Case No. 18-601

**SUMMARY ORDER**

NOW on this 10 day of April, 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Nichole Senger, (“Respondent”).

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 investigation 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. The Board has previously issued Respondent Pharmacy Technician Registration number 14-05246, authorizing her to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about August 3, 2018, the Board received notification that Respondent had been arrested on August 2, 2018 for driving under the influence of alcohol.
3. On September 21, 2018, the Board received the requested documentation. The court documents indicated Respondent’s case was set for trial on January 2, 2019.

4. On February 25, 2019, the Board mailed Respondent a letter requesting an update regarding the status of her case.

5. On or about March 28, 2019, the Board received the requested court documents. Respondent's court documents indicated that she was convicted of driving under the influence of alcohol and received one year of supervised probation as well as a \$750 fine. The court documents indicated Respondent had paid all of her fine and court fees in full.

6. The terms of Respondent's court-ordered probation require her to attend the Salina Weekend Intervention Program within 90 days, comply with the recommendations of the alcohol/drug evaluator, attend a DUI Victim Impact Panel, and to not violate the law.

#### 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 place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any misdemeanor involving moral turpitude and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist 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. Respondent's misdemeanor conviction for driving under the influence of alcohol is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as she is still on probation and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Respondent's arrest and conviction for driving while intoxicated is unprofessional conduct and a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Pharmacy Technician Registration is hereby placed on PROBATION for a period of two years.

The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her court-ordered probation;
- Respondent must notify the Board of any change in her court probation status within 10 days of the change;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;
- Respondent must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board and provide

this documentation to the Board within 10 days of the effective date of this Order; and

- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

### NOTICES

Respondent is hereby notified as follows:

7. Respondent 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 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.

4/10/19  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10 day of April, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Nichole Senger  
10885 W State St Rd  
Brookville, KS 67425



---

Kansas Board of Pharmacy Staff