

March 27, 2024

Jasmine Shaw
1861 Hazelnut Rd
Powhattan, KS 66527

RE: Case No. 24-166

Dear Ms. Shaw:

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)
)
Jasmine Shaw)
)
Registration No. 24-122465)

Case No. 24-166

SUMMARY ORDER

NOW, on this 27th day of March, 2024, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jasmine Shaw, (“Applicant”), for 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, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On February 13, 2024, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. 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 the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. In conjunction with Applicant's Application, the Board received a completed S-150 and certified court documents which indicated the following:

- a. In July 2016 Applicant was charged with possession of opiate, opium, narcotic or certain stimulants; attempted possession of a hallucinogenic drug; possession of paraphernalia with intent to manufacture/plant/cultivate controlled substance; and use/possess with intent to use drug paraphernalia into human body. Applicant pleaded no contest and was found guilty of possession of a hallucinogenic drug and use/possess drug paraphernalia. Applicant was sentenced to six months in jail, which was suspended for a 12-month supervised probation, which Applicant completed early in June 2017
- b. In July 2020, Applicant was charged with domestic battery and criminal damage to property < \$1,000, which were later dismissed without prejudice.
- c. Applicant also indicated she was a certified nurse aide and certified medication aide, and provided two letters of recommendation.

4. The Board received information regarding a July 2016 possession of opiates, hallucinogenic drugs, and a July 2020 Domestic Battery offense.

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)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

3. Pursuant to K.S.A. 65-1626(vvv)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

4. Applicant's criminal offenses for July 2016 possession of a hallucinogenic substance and drug paraphernalia are unprofessional conduct, particularly likely to harm the public in the pharmacy setting since pharmacy personnel have access to dangerous controlled substances and other drugs. Additionally, it has been less than 10 years since the offense and Applicant was required to complete a supervised probation program. Therefore, it seems prudent to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3) to afford additional supervision and oversight in the pharmacy based on the past unprofessional conduct related to drugs.

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 notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Applicant must notify the Board of any change in employment within 10 days of the change;
- Applicant must respond to the Board's regular check-in requests;
- Applicant must inform employers of the probationary status of their pharmacy technician registration;
- Applicant must obtain the signature of their pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and

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

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.


3/27/2024
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of March, 2024, 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:

Jasmine Shaw
1861 Hazelnut Rd
Powhattan, KS 66527



Kansas Board of Pharmacy Staff