

Filed By

MAR 25 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Dolores Toledo)
14-101513)
_____)

Case No. 18-665

SUMMARY ORDER

NOW on this 25 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Dolores Toledo, ("Respondent") and her renewal application for registration as a 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. The Board has previously issued Respondent Registration No. 14-105513 authorizing her to act as a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. On or about October 10, 2018, the Board received notification that Respondent had been convicted on August 8, 2018 of her second conviction for driving under the influence of alcohol. As a result of her conviction, she received 175 days of probation.

In the Matter of Dolores Toledo 18-665

SUMMARY ORDER

Page 1 of 6

3. On October 26, 2018, the Board mailed Respondent a letter requesting she provide a completed Personal History Form S-150, as well as certified copies of the court pleadings from the case.

4. On or about October 31, 2018, the Board received Respondent's application for renewal of her technician registration. With her renewal application, Respondent included the completed S-150 previously requested by the Board.

5. On November 1, 2018, the Board emailed Respondent, notifying her that the Board had received the S-150, but informing her that the Board still needed the certified court documents for the case.

6. On December 4, 2018, the Board received the requested court documents.

7. On December 13, 2018, Respondent's file was forwarded on to the Board's Individual License Evaluator for additional review.

8. The Board's Individual License Evaluator called Respondent on February 12, 2019, March 1, 2019, and March 11, 2019 and was unable to reach Respondent.

9. The Board's Individual License Evaluator was eventually able to reach Respondent and conducted a phone interview with Respondent. During the phone interview, the Board learned that Respondent received court ordered alcohol treatment and monitored probation. Additionally, she is subject to random urinary analysis tests for alcohol as a condition of her probation. Thus far, Respondent has complied with the conditions of the court ordered probation. Respondent demonstrated consciousness of the wrongfulness of the conduct and accepted responsibility for her actions and the seriousness of the charges and conviction.

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 a 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 recent arrest and conviction for driving under the influence of alcohol, 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 Application for renewal of her pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her court 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
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

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 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.

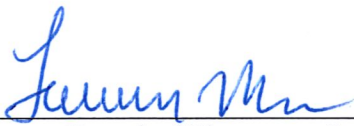
3/25/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25 day of March, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Dolores Toledo
36110 W 379th St
Osawatomie, KS 66064



Kansas Board of Pharmacy Staff