

July 30, 2019

JESSICA TRAN
2533 PONDEROSA DR
LAWRENCE, KS 66046

RE: Case No. 19-055

Dear Ms. Tran:

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)
)
Jessica Tran)
)
Registration No. 14-108649)

Case No. 19-055

SUMMARY ORDER

NOW, on this 2nd day of July 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Jessica Tran, (“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, makes the following findings, conclusions and order.

FINDINGS OF FACT

1. On February 4, 2019, 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 questions on her application:
 - (1) 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; and
 - (2) Are you now or have you in the last five years been treated for a drug or alcohol addiction or participated in any substance abuse rehabilitation

program? Accordingly, Applicant vaguely disclosed a DUI and possession of THC, both on diversion.

3. On February 18, 2019, the Board mailed Applicant a letter requesting a detailed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

4. On or about February 27, 2019, the Board received the requested documentation. Applicant's personal statement and court documents explained that she had been charged on July 28th, 2018, with driving under the influence, possession of THC, and transporting an open container. These charges resulted in a one year diversion agreement made on October 8, 2018, stipulating that Applicant would complete drug and alcohol information school, participate in outpatient counseling, and attend a DUI victim panel.

5. Following review of the personal statement and court documents, the Board's Individual License Evaluator conducted a phone interview with Applicant, in which Applicant stated completion of drug and alcohol class as stipulated in the diversion agreement. Though full terms of diversion are not projected as completed until October 2019, the Evaluator concluded that Applicant understood the severity of her actions and demonstrated consciousness of the wrongfulness of her conduct.

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(ttt), unprofessional conduct means conduct likely to deceive or harm the public.

4. Applicant's misdemeanors of driving under the influence, possession of THC, and transportation of an open container are unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3). Furthermore, Applicant's ongoing diversion for her criminal offenses suggest that she has not yet fully completed her rehabilitation and requires additional monitoring or supervision consistent with a probationary status.

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 continue compliance with the terms of her court diversion;
- Applicant must notify the Board of any change in her court diversion status within 10 days of the change;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant 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:

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.

7/2/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 2nd day of July 2019, 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:

JESSICA TRAN
2533 PONDEROSA DR
LAWRENCE, KS 66046



Kansas Board of Pharmacy Staff