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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

January 20, 2022

GABRIELLA TURVEY
17355 W 158th PL
OLATHE, KS 66062

RE: Case No. 21-270

Dear Ms. Turvey:

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)
)
Gabriella Turvey)
)
Registration No. 14-105915)

Case No. 21-270

SUMMARY ORDER

NOW, on this 20th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Gabriella Turvey, (“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, the Board makes the following findings, conclusions, and order.

FINDINGS OF FACT

1. The Board has previously issued Respondent a pharmacy technician registration number of 14-105915, authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about September 14, 2021, the Board received information regarding a DUI charge laid against Respondent.
3. On September 14, 2021, the Board sent a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”), as well as certified copies of the court pleadings from the case. Respondent did not reply to the Board’s request.

4. On October 19, 2021, the Board sent a second letter to Respondent's address of record again requesting a completed S-150 and certified copies of court pleadings from the case.

5. On November 4, 2021, the Board received an email from Respondent, requesting an extension of the deadline by which to submit the requested documentation.

6. However, on November 5, 2021, the Board received the requested documentation, along with a list of professional experience, a volunteer work log, and several letters of recommendation.

7. Respondent's documents detailed that, while under the influence, she had been pulled over for driving under the speed limit, cooperated with the officers, and was charged with a first-time DUI. As such, Respondent is fulfilling a one-year supervised diversion agreement through October 2022, which stipulates drug and alcohol evaluation, alcohol drug information class, and 20 hours of community service. Respondent's statement showed consciousness of the wrongfulness of her actions and their potential to have endangered others, as well as demonstrated remorse.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may take action against a 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), unprofessional conduct includes conduct likely to harm the public.

4. Respondent's DUI incident is a basis to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3), as the nature of this incident posed great risk to the public. Furthermore, Respondent is still under her diversion agreement and is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time

ORDER

Based upon the foregoing findings of fact and conclusions of law, RESPONDENT'S REGISTRATION IS HEREBY PLACED ON A 2-YEAR PROBATIONARY STATUS. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her court diversion agreement, and must notify the Board of any change in such within 10 days of the change;
- Respondent must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- 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
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. 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.

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.

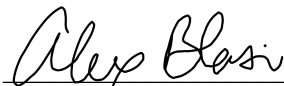
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

1/20/2022

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of January 2022, 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:

GABRIELLA TURVEY
17355 W 158th PL
OLATHE, KS 66062



Kansas Board of Pharmacy Staff