

July 22, 2021

ANGELA AYRES
1406 N MONROE
HUTCHINSON, KS 67501

RE: Case No. 21-098

Dear Ms. Ayres:

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)
)
Angela Ayres)
)
Registration No. 24-114618)

Case No. 21-098

SUMMARY ORDER

NOW, on this 22nd day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Angela Ayres, (“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 April 19, 2021, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

2. Applicant answered “NO” 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. As part of the application, Applicant certified that the information she provided was true, correct, and complete to the best of her knowledge.

4. On or about April 22, 2021, the Board received a background report indicating misdemeanor charges laid against Applicant for giving a worthless check in 2006 and for assault in 2009.

5. On April 22, 2021, the Board mailed a letter to Applicant's address of record requesting a completed Form S-150 on the incidents, as well as certified copies of the court pleadings from each case.

6. On May 20, 2021, the Board received from Applicant her Form S-150 statement, three pages of court documentation, and two letters of reference from her place of work.

7. The court records indicated that the 2006 case was disposed following a guilty conviction, and the 2009 charge was dismissed without prejudice. In her Form S-150, Applicant stated she "didn't remember a thing about" the 2006 case and that, regarding the 2009 case, it "was not even thought about as there was no charge against [her], that [she could] recall." Applicant detailed the circumstances of neither incident, and demonstrated no consciousness of wrongdoing. The accompanying letters of reference recommended her for technician licensure.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may limit an application for issuance 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)(1), the Board may place in a probationary status the license of any pharmacist who has attempted to obtain a license by false or fraudulent means, including misrepresentation of a material fact.

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

5. Applicant's failure to disclose her criminal charges on her application, after having certified as to its completeness, is a misrepresentation of material fact and a basis to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(1).

6. Applicant's giving of a worthless check, as well as her failure to remember any criminal occurrences from her past, carry the potential to deceive or harm the public from within the pharmacy setting, if not known and carefully monitored, and are bases to place any registration granted to Applicant in a probationary status pursuant to K.S.A. 65-1627(a)(3).

7. To prevent harm, the issuance of any registration to Applicant should be carefully supervised and scrutinized to ensure such protection of the public.

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 such arrest or charge;
- 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.

7/22/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22nd day of July 2021, 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:

ANGELA AYRES
1406 N MONROE
HUTCHINSON, KS 67501



Kansas Board of Pharmacy Staff