

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Ana Arias Franco )  
 )  
Registration No. 24-110392 )

Case No. 20-025

**SUMMARY ORDER OF REVOCATION**

NOW, on this 4<sup>th</sup> day of March 2020, comes before the Kansas Board of Pharmacy (hereinafter referred to as “the Board”), through its Executive Secretary, the matter of Ana Arias Franco (hereinafter referred to as “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 of Revocation in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has issued Respondent Pharmacy Technician Registration Number 24-110392 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (hereinafter referred to as “Respondent’s Registration”).
2. At all times relevant hereto, Respondent served as a pharmacy technician for CVS Pharmacy #8237 (hereinafter referred to as “the Pharmacy”) located at 5001 W 135<sup>th</sup> Street in Leawood, Kansas.
3. On December 31, 2019, the Board received a notification of a theft/loss of controlled substances from the Pharmacy, indicating a police report had been filed with the Leawood Police Department as a result of employee pilferage.

4. Respondent had given a voluntary written statement to the Pharmacy on December 11, 2019, in which she admitted to the theft of Tramadol 50 mg tablets from a 500-count bottle on November 26, 2019, for personal consumption. This pilferage resulted in Respondent's termination from the Pharmacy.

#### 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. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

3. That K.S.A. 65-1626(uuu) defines unprofessional conduct to include the unlawful possession of drugs and/or conduct likely to deceive, defraud, or harm the public.

4. Respondent's conduct in stealing drugs from her employer and Respondent's disregard for the potential harmful effects of her actions to the public are violations of K.S.A. 65-1627(a)(3) and are bases to revoke Respondent's Registration.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby REVOKED.

#### NOTICES

The Respondent is hereby notified as follows:

1. The 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  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

3/4/2020

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4<sup>th</sup> day of March 2020, 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:

ANA ARIAS FRANCO  
5401 W 133<sup>rd</sup> PL, APT 524  
LEAWOOD, KS 66209



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Kansas Board of Pharmacy Staff