

Filed By

MAR 16 2020

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Kenneth Etuka)
)
Registration No. 14-19300)

Case No. 20-030

SUMMARY ORDER OF REVOCATION

NOW, on this 16th day of March 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kenneth Etuka ("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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-19300 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On April 30, 2019, the Board mailed Respondent a summary order imposing a fine of \$100.00 due within 30 days and proof of 40 hours of continuing education (CE) due within 60 days for failure to complete the required CE during an audited period.
3. On July 5, 2019, the Board sent a letter to Respondent's address of record requesting payment of the past-due fine and proof of the past-due CE within 30 days.

4. On September 18, 2019, the Board sent a Final Notice to Respondent's email address of record requesting payment of the past-due fine and proof of the past-due CE within 15 days.

5. On September 19, 2019, the Board received a request from Respondent for additional time in which to submit both the past-due payment and proof of CE, due to extenuating personal circumstances.

6. On September 20, 2019, the Board granted Respondent another 90 days in which to submit the past-due payment and proof of CE, with Respondent's new and final deadline stated as December 20, 2019.

7. To date, the Board has received neither the fine payment nor the CE proof.

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 pursuant to K.S.A. 65-1627(a)(9), the licensee has failed to comply with the continuing education requirements of the board for license renewal.

3. That pursuant to K.S.A. 65-1627(a)(16), the licensee has violated or failed to comply with any lawful order or directive of the board.

4. Respondent's failure to complete the required CE is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(9).

5. Respondent's failure to comply with the previous Summary Order is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(16).

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.

3/16/2020

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 16th 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:

KENNETH ETUKA
8116 NW 80th TERR
KANSAS CITY, MO 64152



Kansas Board of Pharmacy Staff