

December 13, 2019

DIANA EULER
1217 RUNNYMEDE ROAD
WATHENA KS 66090

RE: *In the Matter of Diana Euler*
Case No. 19-583

Dear Diana Euler:

The Kansas State Board of Pharmacy has concluded its audit of continuing education for your recent renewal and determined that you are noncompliant and have failed to respond to the Board's requests for documents and response. Please read the enclosed Summary 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 questions, please email pharmacy.compliance@ks.gov and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
the Renewal Application of)	
)	Case No. 19-583
Diana Euler)	
License No. 1-10589)	
_____)	

SUMMARY ORDER OF REVOCATION

NOW on December 13, 2019, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of the license renewal application of Diana Euler (hereinafter referred to as "Respondent") to engage in the practice of pharmacy in the state of Kansas.

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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order in the above-captioned matter. After reviewing the renewal 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 License Number 1-10589 authorizing Respondent to perform the functions of a pharmacist in the State of Kansas.
2. On or around July 1, 2019, Respondent submitted a renewal application to engage in the practice of pharmacy in the State of Kansas.
3. In the renewal application, Respondent requested to renew the license on active status.
4. At the end of the renewal application, Respondent agreed to the following statement prior to submitting the completed renewal application: "I hereby attest that I have completed all

continuing education hours required by law to renew my license.”

5. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours. On two separate occasions, the Board sent a letter to Respondent's address of record requesting such proof.

6. Respondent's CPE Monitor accessed by the Board reflected 27 hours of continuing education to renew Respondent's pharmacy license. However, Respondent failed to respond to the Board's request to provide proof of Respondent's continuing education hours.

7. On December 4, 2019, the Board sent an email to Respondent's email address of record requesting proof of Respondent's continuing education hours.

8. Respondent was not eligible for obtaining prorated hours since Respondent was continuously licensed to practice for the entire biennial licensure period.

9. To date, the Board has not received proof of completion of continuing education or any correspondence.

CONCLUSIONS OF LAW

10. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

11. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

12. Pursuant to K.A.R. 68-1-1b, 30 hours of continuing education shall be required for renewal of a pharmacist license during each licensure period, which must be obtained in the two-year licensure period ending on the June 30 expiration date of each license.

13. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent renewed or attempted to renew a license by false means, including misrepresentation.

14. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the Pharmacy Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

15. Respondent was required to provide proof of completion of 30 hours of continuing education earned between July 1, 2017 and June 30, 2019.

16. Respondent's failure to provide proof of completion of the required 30 hours of continuing education for renewal of Respondent's license is a violation of K.S.A. 65-1627(a)(9) and is a basis to revoke Respondent's Kansas pharmacist license.

17. Respondent's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and a basis to revoke Respondent's Kansas pharmacist license.

18. Respondent falsely attested on the renewal application that Respondent had completed all continuing education hours required by law to renew Respondent's license, in violation of K.S.A. 65-1627(a)(1). Though material, the Board makes no finding about whether Respondent's misrepresentation was intentional.

19. The role of the Board is to protect the citizens of Kansas. The Board regards the failure to comply with the continuing education requirements for licensure as a serious issue. Given the number of home-study, web-based, and live programs available, achieving the 30 hours required each biennial renewal period cannot be viewed as a burden. Without continued investment in pharmacy education, the vision of quality pharmacy providers in Kansas will not be met. In order to provide safe, effective, and high quality healthcare for Kansas patients, the practice of pharmacy requires lifelong improvement and education.

ORDER

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

NOTICES

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.

1. 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.

2. 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.

3. 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.

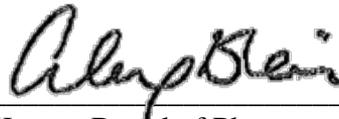
December 13, 2019
Date


Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on December 13, 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:

DIANA EULER
1217 RUNNYMEDE ROAD
WATHENA KS 66090



Kansas Board of Pharmacy Staff