

BEFORE THE KANSAS BOARD OF PHARMACY

Filed  
DEC 17 2008  
KANSAS STATE  
Board of Pharmacy

In The Matter Of )  
 )  
LINDSAY NICOLE MANNING )  
REGISTRATION NO. 14-05304 )  
\_\_\_\_\_ )

Case No. 07-61

**AGENCY ORDER**

LINDSAY NICOLE MANNING (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued her Registration No. 14-05304.

It has come to the attention of the Board's Investigation Member that Respondent unlawfully diverted a controlled substance from her employer.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to her by the Board, enters the following agency order.

**I. FINDINGS OF FACT**

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent Registration No. 14-05304 which entitled her to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. That the Investigative member of the Board has received information

which indicates that the Respondent has a drug habit to such a degree as to render the Respondent unfit to practice as a pharmacy technician.

## II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a registration number 14-02790 and subsequently 14-05304 pursuant to K.S.A. 65-1663.
2. That pursuant to K.S.A. 65-1663 (f) 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.
3. 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).
4. That K.S.A. 65-1627 (a) (4) provides that the Board may take action if the licensee is addicted to liquor or has a drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy.
5. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

## II. ORDER

Based upon the foregoing findings and conclusions, Respondent's Registration is hereby revoked.

### III. NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

1. If a hearing is not requested as described above, the Order Revoking the Respondent's Registration, as a pharmacy technician 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:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231

IT IS SO ORDERED.

11/28/07  
Date

Shirley Arck  
Shirley Arck, Pharm.D.  
Investigation Member  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 30 day of November, 2007, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Lindsay N. Manning  
2506 SW Brandywine Ln. #2  
Topeka, KS 66614

Debra Billingsley  
Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231