

**BEFORE THE KANSAS STATE
BOARD OF PHARMACY**

In re:)
)
LYNN T. NGUYEN,)
 Pharmacy Technician) **KBOP DOCKET NO. 14-044**
)
Permit No. 14-14512)
_____)

EX PARTE EMERGENCY ORDER OF SUSPENSION

COMES NOW on this 24th day of April, 2014 before the Kansas State Board of Pharmacy (hereinafter referred to as "Board") the Board's investigative member, Robert D. Haneke, PharmD, on a Motion for Ex Parte Emergency Order of Suspension in the matter of Lynn T. Nguyen, a pharmacy technician registered in the State of Kansas (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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigative Member enter this *ex parte* emergency suspension order in the above-captioned matter. After reviewing the evidence admitted and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent's last known mailing address is 2925 N Rough Creek Rd, Derby, KS 67037.
2. The Board previously issued Respondent permit No. 14-14512 which entitled her to engage in the practice of pharmacy as a registered technician in the state of Kansas.
3. Pursuant to K.S.A. 65-1663(e)(3) and K.S.A. 77-536, the Investigative Member may issue an emergency order without notice and hearing and may temporarily limit or suspend the

registration of a pharmacy technician if the Investigative Members finds a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action.

4. The Investigative Member has received and reviewed allegations that the Respondent is in violation of the Pharmacy Act, to wit:

- a. On or around February 26, 2014 the Respondent admitted that she was taking controlled substances from the Walgreens Pharmacy located at 5505 E. Harry, Wichita, Kansas 67218.
- b. That the pharmacy reported a loss of Hydrocodone-APAP 10-500 tablet, quantity 3000, Hydrocodone -APAP 10-325 tablet, quantity 4,000 and approximately fifteen bottles of promethazine over a period of time.
- c. The Respondent was terminated from her employment at Walgreens for diversion of controlled substances.

5. The statutory authority of the Board under K.S.A. 65-1663(e)(3) is as follows:

The board may temporarily suspend or temporarily limit the registration of any pharmacy technician in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under this section against the registrant and that the registrant's continuation of pharmacy technician functions would constitute an imminent danger to the public health and safety.

6. Additional statutory authority is also found in K.S.A. 77-536(a) as follows: "A state agency may use emergency proceedings: (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law."

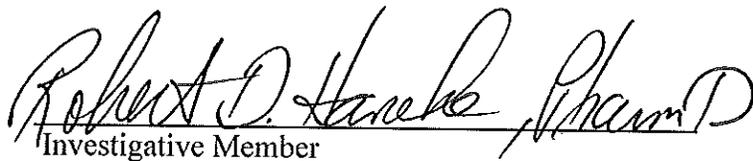
7. There is an imminent danger to public health and safety:

- a. A statement from Respondent indicate that diverted controlled controlled substances and unlawfully diverted drugs to others, an offense for which the Board could take action pursuant to K.S.A. 65-1627(a)(3),(5)&(8).
8. The Investigative Board member finds that the conduct referenced in Paragraphs 4 above set forth reasonable grounds that the Respondent has violated the Kansas Pharmacy Act and that the public health, safety, and or welfare imperatively requires emergency action.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF PHARMACY that Respondent's license to engage in the practice of pharmacy is hereby suspended until further Order of the Board.

IT IS ORDERED THIS 24nd DAY OF APRIL, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

IT IS SO ORDERED.


Investigative Member

NOTICE

1. A hearing on this matter will be scheduled as soon as practicable before the Kansas State Board of Pharmacy. The issue to be determined shall be whether Respondent's suspension should remain in place, be modified or terminated. A notice of Hearing will be issued.
2. This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court pursuant to K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days of the service of this order. A copy of any petition for judicial review must be served upon the Board's Executive Secretary as follows:

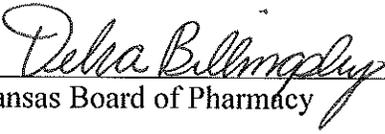
Debra L. Billingsley
Kansas State Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Dated this 24 day of April, 2014.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14 day of ^{May}~~April~~, 2014, send via U.S. mail postage prepaid a true and correct copy of the foregoing Ex Parte Emergency Order of Suspension, properly addressed to the following:

Lynn T. Nguyen
2925 N. Rough Creek Rd
Derby, KS 67037



Kansas Board of Pharmacy