Filed

APR 13 2011

KANSAS STATE
Board of Pharmacy

STATE OF KANSAS
BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of	)	
	)	
Donna Thompson	)	Case No. 11-07
Registration No. 14-07562	)	
	)	

SUMMARY ORDER

Donna Thompson (the "Respondent") was 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. 14-07562.

After considering the facts set forth herein, the Board's Investigation Member, in accordance with the authority granted by the Board, enters the following Summary Order.

Findings of Fact

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

1. The Board has issued Respondent Registration No. 14-07562 which entitled her to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. In January 2011, the Respondent was terminated from her position as a

technician in the pharmacy at Kansas Heart Hospital for diversion of prescription-only (generic Fioricet) drugs.

3. Said diversion of drugs was investigated by the Board and confirmed by documentation and witnesses.

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 issued a registration number 14-07562 pursuant to K.S.A. 65-1663.

2. That pursuant to K.S.A. 65-1663(e)(1) 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. K.S.A. 65-1627(a)(3) allows the Board to revoke licenses based upon unprofessional conduct. K.S.A. 65-1626(rr) defines "Unprofessional conduct" as...(5) unlawful possession of drugs and unlawful diversion of drugs to others. K.S.A. 65-1626(bb) "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 United States Code section 353, as amended) to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

4. The Respondent entered into a pattern of diverting drugs as confirmed by documentation and witnesses from Respondent's employer, which is a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 et seq.

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 State Administrative Procedures Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

2. 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.

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:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, Kansas 66612

IT IS SO ORDERED.

Investigation Member
Kansas Board of Pharmacy

3-8-2011
Dated

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10 day of March, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Original: Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Copy: Donna Thompson
1938 S. Erie St.
Wichita, KS 67211

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