

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Brittany Berning) Case No. 17-127
 Pharmacy Technician)
Registration No. 14-101158)

SUMMARY ORDER OF REVOCATION

NOW on this 22 day of September, 2017 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Brittany Berning, Pharmacy Technician ("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, makes the following findings, conclusions and order:

FINDINGS OF FACT

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

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-101158, authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On April 28, Respondent was cited for possession of marijuana and possession of paraphernalia. Respondent was not formally charged for these offenses at this time, pending the completion of random urinalysis screenings.

3. On June 30, 2017, a warrant was filed for the arrest of Respondent, resulting from a failed urinalysis screening.

4. On or about July 5, 2017, a background report provided to the Board by the Kansas Bureau of Investigation reported that Respondent had been charged with possession of marijuana and possession of drug paraphernalia on June 30, 2017.

5. On July 6, 2017, The Board mailed Respondent a request for all court documents to be provided to the Board within 15 days of any development in her case.

6. On July 24th, 2017, the Board's Investigative Member filed a report detailing that Respondent had been arrested at her place of employment and subsequently terminated from her position as a technician at the pharmacy.

7. To-date, Respondent has not made any contact with the Board pertaining to updates in her possession case.

CONCLUSIONS OF LAW

8. 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.

9. That pursuant to K.S.A. 65-1627(a)(2), the Board may revoke a license from a licensee who fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

10. Pursuant to K.S.A. 65-1627(a)(3), the Board may revoke a license from an Applicant who has been found guilty of unprofessional conduct.

11. Pursuant to K.S.A. 65-1626(sss), unprofessional conduct means conduct likely to deceive or harm the public.

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

13. Applicant's drug possession and paraphernalia possession arrest, the failed urinalysis resulting in arrest and the filing of charges, and a lack of evidence of rehabilitation is a basis to revoke Respondent's Registration for failure to comply with K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(3).

14. Applicant's use of narcotics and failure to pass urinalyses as required by the court poses a danger to the public if Respondent were to continue acting in a Pharmacist capacity.

15. Respondent's failure to provide the Board with legally requested information pertaining to the paraphernalia arrests is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(15).

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:

16. 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.

17. 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.


18. 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.

19. 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.

9/22/12
Date

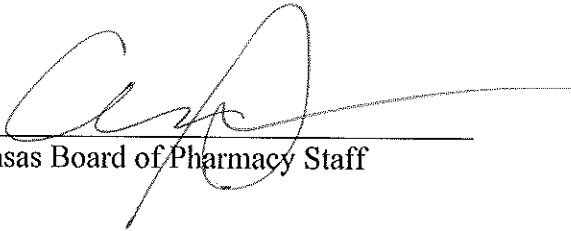


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of September, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Brittany Berning
PO Box 371
Leoti, KS 67861



Kansas Board of Pharmacy Staff