

July 14, 2021

MITCHELL BUFFINGTON
906 HERITAGE PKWY S
ALLEN, TX 75002

RE: Case No. 21-101

Dear Mr. Buffington:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the 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 any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Mitchell Buffington)
)
Registration No. 24-109914)

Case No. 21-101

SUMMARY ORDER OF REVOCATION

NOW, on this 14th day of July 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Mitchell Buffington (“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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 24-109914 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On or about May 25, 2021, the Board received information regarding felony charges laid against Respondent for distribution of marijuana, use of a communication facility in the commission of a felony drug violation, distribution/possession with the intent to distribute/manufacture paraphernalia, and interference with a law enforcement official, as well as a misdemeanor charge for use/possession with intent to use drug paraphernalia into the body.

3. On May 26, 2021, the Board sent a letter to Respondent’s address of record, and a digital copy of such to his email address, requesting a Personal History Form S-150 (“S-150”) on

the incident, as well as certified copies of the court pleadings from the case. The Board gave Respondent fifteen days to reply with the requested documentation, but he did not respond to the Board's request.

4. On June 10, 2021, the Board sent a final request email to Respondent's email address of record again requesting a completed S-150 and supporting court documentation. Respondent did not respond to the Board's request.

5. To date, the Board has received neither an S-150 nor any court documents from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a 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.

2. 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 to the Board, its investigators, or its representatives any information legally requested by the Board.

3. 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 Registration.

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 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.

2. 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.

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:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

7/14/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14th day of July 2021, 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:

MITCHELL BUFFINGTON
906 HERITAGE PKWY S
ALLEN, TX 75002



Kansas Board of Pharmacy Staff