

## BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of  
Haley Holub,

Case No. 18-433

Registration No. 14-18277

**FINAL ORDER****Statement of Case**

This matter comes before the Kansas Board of Pharmacy (Board) on the Summary Order revoking the respondent's, Haley Holub (Holub), Kansas pharmacy technician registration.

The hearing in this matter was held on November 27, 2018. Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Robert Haneke, PharmD; Cheri Pugh, Public Member, Chad Ullom, R.Ph., and Bill Walden, R.Ph.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Holub appeared in person and *pro se*.

**Findings of Fact**

1. The Board previously issued Pharmacy Technician Registration No. 14-18277 to Holub, authorizing her to perform the functions of a pharmacy technician in the State of Kansas.

2. On April 30, 2018, the Board received information that Holub had been arrested in Johnson County, Kansas on January 5, 2018 for possession of marijuana in violation Kansas Statute Annotated (K.S.A.) 21-5706(c)(3)(A).

3. On May 2, 2018 the Board requested that Holub submit a S-150 Personal History Form explaining the offense. Holub submitted the requested documentation on May 24, 2018. Holub acknowledged she had been arrested, accepted responsibility for her actions and stated that she had been granted a diversion.

4. On August 9, 2018, the Board issued a Summary Order Revoking Holub's Registration, and mailed a copy of the same to Holub.

5. On August 20, 2018, the Board received a letter requesting a hearing on the Summary Order.

6. Holub testified during the hearing that she had been granted a diversion by the Johnson County District Attorney's office and has completed the terms of the diversion. Specifically, Holub had completed a drug and alcohol course in October of 2018 and completed 25 hours of community service work. While she is not currently attending, Holub testified that she had attended alcoholics/narcotics anonymous meetings, and that she has a recovery coach that she can reach out to in the event that she is concerned about a relapse. Holub also testified that she has been sober since June 4, 2018 and was last tested in August of 2018. The diversion is set to be completed in July of 2019.

7. Holub is currently employed as a pharmacy technician at Salina Regional Health Center. Holub stated that she has made her employer aware of the offense and that she was subject to these proceedings. Her supervisor at Salina Regional Health Center wrote a letter of support, which Holub submitted for the Board to consider.

**Applicable Law**  
**and**  
**Discussion**

1. According to K.S.A. 65-1663(f)(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.”

2. K.S.A. 65-1267(a)(3) permits the Board to revoke a license or registration if “the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.”

3. Pursuant to K.S.A. 65-1626(sss) unprofessional conduct is defined as conduct likely to deceive or harm the public.

4. K.S.A. 65-1627(a)(5) permits the Board to revoke a license or registration if the licensee has violated a provision of the uniform controlled substances act of the State of Kansas.

5. Marijuana is a controlled substance, as defined by K.S.A. 65-4105(d)(17). Violation of K.S.A. 21-5706(c)(3)(A) constitutes a violation of the uniform controlled substances act of the State of Kansas.

6. In considering this matter the Board noted that Holub had been granted a diversion and was taking the steps necessary to satisfy the conditions of the diversion agreement. Furthermore, Holub accepted responsibility for her actions and seemed genuinely remorseful for her conduct. The Board felt that Holub should be permitted to

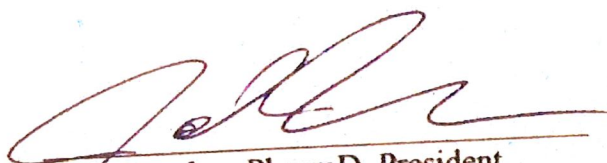
retain her pharmacy technician registration but that she should be subject to a suspension until her diversion is completed.

**Order**

Based on the foregoing, the Board voted to suspend Holub's pharmacy technician registration until her diversion with the Johnson County District Attorney's office for the above-described offense is complete. The Board further voted to suspend imposition of the suspension of Holub's Kansas pharmacy technician registration, permitting Holub to continue working as a pharmacy technician in the State of Kansas, as long as Holub complies with the terms and conditions of her diversion agreement. Failure to comply with the terms and conditions will result in the immediate suspension of Holub's State of Kansas pharmacy technician registration until the term of the diversion agreement is complete.

**IT IS SO ORDERED.**

12-26-18  
Date

  
John Worden, PharmD, President  
Kansas Board of Pharmacy

## NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

**CERTIFICATE OF SERVICE**

On December 28, 2018, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Haley Holub  
300 N. Penn Ave.  
Salina, KS 67401

Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

and hand-delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

*Jawin Moran*

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Staff Person