

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
Nicole Keeney)
 Pharmacy Technician)
Registration No. 14-13331)

Case No. 16-071

SUMMARY ORDER OF REVOCATION

NOW on this 20 day of May, 2017 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Nicole Keeney, 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 14-13331 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about April 22, 2016, the Board received a complaint concerning respondent, detailing alcohol and drug abuse leading to termination from a pharmacy position.

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3. On January 23, 2017, the Board's investigative member found that Respondent faced multiple felony charges for DUI and possession of a controlled substance stemming from a January 2015 arrest in Oklahoma.

4. On January 27, 2017, the Board requested Respondent send documents explaining the arrest. Respondent did not respond to the Board's request.

5. On March 17, 2017, the Board mailed a Final Notice to Respondent requesting the documentation. A deadline of April 17, 2017 for response was given. Respondent did not respond to this Final Notice.

6. The Board has yet to hear from Respondent regarding the January 2015 arrest event.

7. On May 1, 2017, Respondent entered a plea of guilty or no contest to felony unlawful possession of controlled substances without a valid prescription and felony second subsequent driving under the influence of alcohol in Oklahoma, and was sentenced to five years incarceration, suspended.

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)(3), the Board may revoke a license to a pharmacist if a licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

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10. That pursuant to K.S.A. 65-1626(ccc)(5) unprofessional conduct means unlawful possession of drugs.

11. That pursuant to K.S.A. 65-1626(ccc)(7) unprofessional conduct means conduct likely to deceive, defraud or harm the public.

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

13. Respondent's failure to supply the Board with the requested documentation regarding her updated criminal history is a violation of K.S.A. 65-1627(a)(15).

14. Respondent's unlawful possession of drugs and multiple DUI convictions evidence unprofessional conduct unlikely to adequately protect the public, and grounds for revocation pursuant to K.S.A. 65-1627(a)(3).

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:

15. 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.

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17. 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.

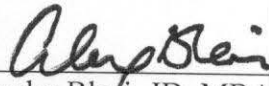
18. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

Date

5/31/17


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

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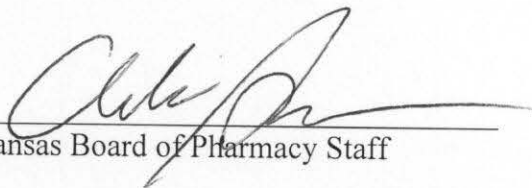
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CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of May, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Nicole Keeney
602 N Baehr St
Wichita, KS 67212


Kansas Board of Pharmacy Staff