

**STATE OF KANSAS
BEFORE THE KANSAS STATE BOARD OF PHARMACY**

Filed

JUL 19 2010

KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Stephanie M. Ketcher)
Kansas Registration No. 14-05899)
_____)

Case No. 10-21

PETITION AND NOTICE OF INTENT TO REVOKE REGISTRATION

COMES NOW the Kansas State Board of Pharmacy (“Board” or “Plaintiff”) and reviews the file on Stephanie M. Ketcher, Pharmacy Technician, (“Technician” or “Defendant”).

THEREUPON, being duly advised in the matter, the Board finds that:

GENERAL

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, *et seq.*) and with the enforcement of the rules and regulations promulgated thereunder (K.A.R. 68-1-1a *et seq.*). Further, the Board is authorized to initiate proceedings to revoke any license, registration, or permit issued by the Board under provisions of the pharmacy act of the State of Kansas pursuant to K.S.A. 65-1627a. More specifically, 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. K.S.A. 65-1663(e)(1) The Technician is presently registered as a pharmacy technician in the State of Kansas having been issued Registration No. 14-05899.

2. Pursuant to laws and regulations pertaining to registration of pharmacy technicians, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.* K.S.A. 65-1663(e)(4) Such proceedings may result in suspension, revocation, and other disciplinary actions affecting Technician's ability to work as a registered pharmacy technician in the State of Kansas.

3. K.S.A. 65-1663(e)(1) provides that:

(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.

4. K.S.A. 65-1627(a)(3) provides that:

(a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

5. K.S.A. 65-1626(rr)(4) defines unprofessional conduct as:

(rr)(4) intentionally falsifying or altering records or prescriptions.

6. K.S.A. 65-1626(rr)(5) defines unprofessional conduct as:

(rr)(5) unlawful possession of drugs and unlawful diversion of drugs to others.

7. K.S.A. 65-1627(g) provides that:

(g) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

INFORMATION WHICH EVIDENCES THAT THE REGISTRATION OF
STEPHANIE KETCHER AS A PHARMACY TECHNICIAN IN THE STATE OF
KANSAS SHOULD BE REVOKED

8. Sometime prior to April 5, 2010, Technician falsified the number of refills authorized for a prescription, and the price of the prescription, while she was working as a pharmacy technician at a Wichita Wal-Mart pharmacy, Store #3492. The prescription was for Viagra. The number of refills was marked for five and the price was adjusted to an amount significantly below the pharmacy's acquisition cost. An investigation by the pharmacy demonstrated that the physician had prescribed the drug for the patient involved but had not authorized any refills. The patient was Technician's fiancé at the time she altered the number of refills and price for the drug.

9. On or about April 6, 2010, Technician falsified a prescription while working as a pharmacy technician at a Wichita Wal-Mart pharmacy, Store #3492. Technician intentionally recorded a telephone prescription for a child, K.H., which had not been ordered by a physician. The Technician obtained unauthorized access to a pharmacist's computer where she falsely documented that the pharmacist had verified the telephone order pertaining to the prescription even though the Technician knew that the pharmacist had not done so. The prescription was for Amoxicillin. The computer contained an entry that the prescription was ready for pick-up even though the pharmacist had not filled it. An investigation by the pharmacy demonstrated that the physician who supposedly ordered the medication had never seen the child as a patient.

10. When confronted by the store administrator with known facts involving the

Amoxicillin prescription in the previous paragraph, Technician admitted that she fabricated the prescription for her son because his medication had spoiled for lack of refrigeration. Technician also admitted using the pharmacist's computer to falsify pharmacist verification of the faked telephone order.

11. Technician committed several acts of unprofessional conduct as defined by K.S.A. 65-1626(rr)(4) and (5) when she falsified the number of refills and the price of a Viagra prescription, falsified a telephone prescription for Amoxicillin, and falsified pharmacist verification of the prescription for Amoxicillin.

12. The Board appoints William C. Rein, Attorney at Law, to serve on its behalf as Disciplinary Counsel in this case. Mr. Rein is authorized to work at his home address:

William C. Rein
1831 SE 43rd Terrace
Topeka, KS 66609
(785) 266-3790 Personal
(785) 224-5307 Cell
Email: wrein@cox.net

13. Mr. Rein is ordered to appear before the Board at all administrative dockets upon which this case is scheduled unless specifically allowed to appear by telephone upon permission granted by the Board or its Executive Director.

WHEREFORE, pursuant to K.S.A. 65-1663(e)(1), K.S.A. 65-1627(a)(3), K.S.A. 65-1626(rr)(4), K.S.A. 65-1626(rr)(5), K.S.A. 65-1627a, and K.S.A. 77-501 *et seq*, and for the reasons stated above, petition and notice is hereby given of the Board's intent to

revoke Technician's registration as a pharmacy technician in the State of Kansas.

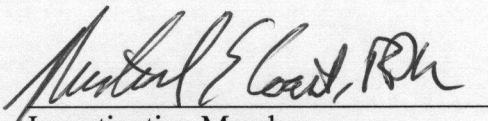
RIGHT TO HEARING

Technician may request a hearing in accordance with the provisions of the Kansas Administrative Procedure Act. A written request for a hearing must be filed within fifteen (15) days of service of this petition and notice as prescribed by K.S.A. 77-542(a). The request must be submitted to the following person at the address shown. Failure to submit a timely request will result in a waiver of Technician's right to a hearing, and this petition and notice will become a final order revoking Technician's registration as a pharmacy technician in the State of Kansas.

Debra Billingsley
Executive Director
Kansas State Board of Pharmacy
Landon State Office Building
900 SW Jackson Street- Suite 560
Topeka, KS 66612-1230

IT IS SO ORDERED.

Dated this 20th day of May, 2010.


Investigative Member
Kansas State Board of Pharmacy
Landon State Office Building
900 SW Jackson Street- Suite 560
Topeka, KS 66612-1230
(785) 296-4056 Main Office
(785) 296-8420 FAX

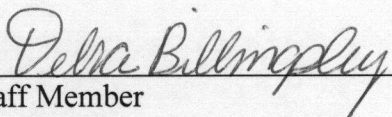
CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of June, 2010, I deposited a true and correct copy of the above and forgoing "Petition and Notice of Intent to Revoke Registration" in the United States Mail, postage prepaid, and addressed to:

Stephanie Ketcher
7823 S. Hoover Road
Haysville, KS 67060

William C. Rein, KS # 09579
Disciplinary Counsel
Kansas State Board of Pharmacy

Direct Mailing Address:
William C. Rein
1831 SE 43rd Terrace
Topeka, KS 66609


Staff Member