

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of*

HEATHER ANN LINDSAY,  
REGISTRATION NO. 14-05233

Case No. 09-35

**AGENCY ORDER**

HEATHER ANN LINDSAY (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued her Registration No. 14-05233.

It has come to the attention of the Board's Investigative Member that Respondent diverted drugs from her employer in Missouri and was disqualified from being a technician by the state of Missouri.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to her by the Board, enters the following agency order.

**I. FINDINGS OF FACT**

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

1. The Board has previously issued Respondent Registration No. 14-05233 which entitled her to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. That the Respondent was employed at Wal-Mart Pharmacy in Kansas City, Missouri. While employed the Respondent diverted a large quantity of Hydrocodone.

3. DEA Form 106 from Wal-Mart indicated that Respondent admitted to and was arrested for the diversion of Hydrocodone. (Exhibit 2)

## **II. CONCLUSIONS OF LAW AND FACT**

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a registration number 14-05233 on October 24, 2006 pursuant to K.S.A. 65-1663.

2. That pursuant to K.S.A. 65-1663 (f) 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.

3. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1627 (a), (3), (5), & (8).

## **II. ORDER**

Based upon the foregoing findings and conclusions, Respondent's Registration is hereby revoked.

## **III. NOTICES**

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

1. 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.


2. 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.

3. 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:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231

IT IS SO ORDERED.

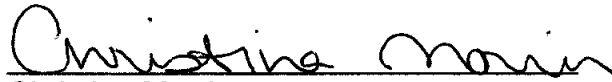
4/22/09  
Date

  
Investigation Member  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 23 day of <sup>April</sup>~~May~~, 2009 deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Heather Ann Lindsay  
11101 N. Skiles Ave.  
Kansas City, MO 64157



Christina Morris  
Christina Morris  
Assistant Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231