

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
ALEX MARTINEZ) Case No. 16-135
 Pharmacy Technician)
Registration No. 14-19545)

SUMMARY ORDER OF REVOCATION

NOW on this 28 day of October, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Alex Martinez, 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 Investigation Member 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 14-19545 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about July 15, 2016, the Board received a complaint from Walgreens Pharmacy #12922 ("Walgreens") Pharmacist in Charge ("PIC") Katie Zerbe against Respondent claiming he was stealing oxycodone tablets from the pharmacy.

3. On July 20, 2016, an investigator of the Board spoke with Ms. Zerbe and asked for a voluntary written statement written by Respondent for the drug diversion.

4. On August 6, 2016, the Board received the voluntary written statement, wherein Respondent admitted to diverting 20 tablets of oxycodone 15 mg tablets, 1 tablet of zolpidem, and food and merchandise from Walgreens.

5. Furthermore, the Board received multiple videos showing Respondent placing tablets in his shirt and pant pockets.

6. Respondent has since been terminated from his employment.

CONCLUSIONS OF LAW

7. 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.

8. That pursuant to K.S.A. 65-1627 (a)(3), the Board may take action against the license of a pharmacist if the licensee is found by the Board to be guilty of unprofessional conduct or professional incompetency.

9. That pursuant to K.S.A. 65-1626 (ccc), unprofessional conduct includes unlawful possession of drugs and unlawful diversion of drugs to others and conduct likely to deceive, defraud, or harm the public.

10. Respondent's conduct in diverting the drugs from his employer constitutes unprofessional conduct because he unlawfully possessed and diverted the drugs without a valid prescription.

11. Furthermore, respondent's theft from his employer demonstrates Respondent's disregard for the laws of the State of Kansas and does not warrant the public trust.

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:

12. 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.

13. 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.


14. 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.

15. 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.

October 27, 2016
Date


Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

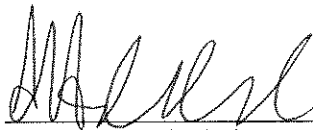
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of October, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Alex Martinez
13140 Kansas Ave., Apt. 102
Bonner Springs, KS 66012

and the original hand delivered to:

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



Kansas Board of Pharmacy Staff