

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

MAY 17 2007

KANSAS STATE Board of Pharmacy

In The Matter Of )  
DONNA S. MUNIZ )  
REGISTRATION NO. 14-01499 )  
\_\_\_\_\_ )

Case No. 07-24

**AGENCY ORDER**

DONNA S. MUNIZ (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. 14-01499.

It has come to the attention of the Board's Investigation Member that Respondent unlawfully diverted a controlled substance and provided it to a third party.

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. 14-01499 which entitled her to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. That on February 15, 2007 the Respondent admitted to diverting 225

Phentermine tablets from her employer so that she could provide the drug to a third party. Phentermine is a schedule IV drug.

## 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 14-01499 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. That the Board may take action against the license of a pharmacist for Unprofessional conduct or professional incompetency pursuant to K.S.A. 65-1627 (a)(3).
4. That K.S.A. 65-1626 (hh) (5) defines unprofessional conduct as unlawful possession of drugs and unlawful diversion of drugs to others.
5. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

## 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.

5/10/07  
Date

  
JoAnne Gilstrap, R.Ph.  
Investigation Member  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 17 day of May, 2006,  
deposit in the United States mail, postage prepaid, a copy of the foregoing  
AGENCY ORDER, properly addressed to the following:

Donna S. Muniz  
2204 N. 8<sup>th</sup>  
Garden City, KS 67846

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