

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

Filed

JAN 14 2011

KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Quinn Nelson)
Kansas Registration No. 14-08397)
_____)

Case No. 10-94

PETITION AND NOTICE OF INTENT TO REVOKE REGISTRATION

COMES NOW the Kansas State Board of Pharmacy ("Board" or "Plaintiff") and reviews the file on Quinn Nelson, 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. 14-08397.

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)(5) defines unprofessional conduct as:

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

6. 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 QUINN
NELSON AS A PHARMACY TECHNICIAN IN THE STATE OF KANSAS SHOULD
BE REVOKED

7. On September 4, 2010, the Technician admitted taking drugs, for which he did

not have a prescription, from Walgreens Pharmacy #6170 in Wichita, Kansas. The Technician further admitted that some of the drugs were controlled substances. The total cost of drugs taken by the Technician was \$515.84.

8. The Technician admitted that he put the drugs in his pocket and left the pharmacy without paying for them.

9. The Technician confessed that he had been stealing drugs from the pharmacy throughout 2010. The drugs that the technician took included 300 Sertraline 100mg tablets, 150 Alprazolam 1mg tablets, 10 Oxycontin 80mg tablets, 20 Lortab 10/500 tablets, 20 Lortab 5/500 tablets, and 10 Lortab 7.5/500 tablets.

10. A copy of the Technician's written confession is in the Board's possession.

11. The Technician committed several acts of unprofessional conduct, as defined by K.S.A. 65-1626(rr)(5), when he unlawfully possessed drugs without a prescription.

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 Secretary.

WHEREFORE, pursuant to K.S.A. 65-1663(e)(1), K.S.A. 65-1627(a)(3), 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 the Technician's registration as a pharmacy technician in the State of Kansas.

RIGHT TO HEARING

The 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 the Technician's right to a hearing, and this petition and notice will become a final order revoking the Technician's registration as a pharmacy technician in the State of Kansas.

Debra Billingsley
Executive Director
Kansas State Board of Pharmacy
800 SW Jackson - Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

Dated this 2 day of December, 2010.



Investigative Member
Kansas State Board of Pharmacy
800 SW Jackson - Suite 1414
Topeka, KS 66612
(785) 296-4056 Main Office
(785) 296-8420 FAX

CERTIFICATE OF SERVICE

I hereby certify that on this 2 day of December, 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:

Quinn Nelson
1508 N. Prescott Circle
Wichita, KS 67212

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