

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By  
NOV 24 2015  
KANSAS STATE  
BOARD OF PHARMACY

In the Matter of )  
 )  
RACHEL C. NIX )  
 )  
Pharmacy Technician )  
 )  
Registration No. 14-17472 )

Case No. 15-126

**SUMMARY ORDER OF REVOCATION**

NOW on this 18th day of November, 2015, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Rachel C. Nix, 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 14-17472 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. During the relevant period of time, Respondent worked as a pharmacy technician in the Walmart Pharmacy in Clearwater, Kansas (the "Walmart Pharmacy").

3. Respondent has admitted that while employed at the Walmart Pharmacy she stole controlled substance from the pharmacy for which she did not have a valid prescription and sold the drugs to third parties.

#### CONCLUSIONS OF LAW

4. 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.

5. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

6. That K.S.A. 65-1626 (ccc)(5) defines unprofessional conduct to include the unlawful possession of drugs and unlawful diversion of drugs to others.

7. The Respondent's conduct in stealing controlled substances from her employer and selling those drugs to third parties is a basis to revoke Respondent's Registration.

#### 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:

8. 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, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

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9. 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.

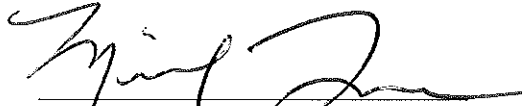
10. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

11. 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, JD, MBA  
Executive Director  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

11-18-15  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of November, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Rachel C. Nix  
137 N. Byers  
Clearwater, KS 67026

  
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Kansas Board of Pharmacy Staff