

Filed By

OCT 25 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

Case No. 18-508

In the Matter of)
)
Tera Rhynerson)
)
Registration No. 14-103980)

SUMMARY ORDER OF REVOCATION

NOW, on this 25th day of October 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Tera Rhynerson ("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 Executive Secretary 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

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-103980 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. Respondent was employed as such for Silver Creek Pharmacy & Gifts, license number 2-10389 ("SC Pharmacy"), from August 28, 2017 until her resignation on June 29, 2018.
3. On July 2, 2018, the Board received a notification of the theft/loss of controlled substances from SC Pharmacy. Subsequently, the loss was reported to the La Cygne Police Department and to the DEA, and the Board's inspector began investigation.

4. During the Board's investigation, the Board's inspector reviewed various documents, including written statements from SC Pharmacy's Pharmacist-in-Charge, SC Pharmacy security video footage and narrative of such, and the police investigation report conducted by the La Cygne Police Department.

5. Following the investigation the Board's inspector reported that Respondent had, through the course of 101 video-documented incidents between the dates of May 7, 2018 and June 28, 2018, diverted (in varying quantities and milligrams) 39 differing controlled substances such as oxycodone, phentermine, and tramadol HCL. The report indicated that Respondent did so using multiple methods, including removing pills from customers' will-call prescription bags and ingesting pills from the pharmacy's "dropped pills" container. It was found that at least 79 SC Pharmacy customers were impacted by Respondent's diversion of tablets from their medications.

6. On June 18, 2019, the Board received notification that the La Cygne Police Department had turned their report over to the Linn County District Attorney's office. Respondent was charged with four criminal counts, including depressant possession, possession of opiate/opium/narcotic or certain stimulant, and theft of property or services.

CONCLUSIONS OF LAW

1. 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.

2. 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).

3. That K.S.A. 65-1626(uuu) defines unprofessional conduct to include the unlawful possession of drugs and/or conduct likely to deceive, defraud, or harm the public.

4. Respondent's conduct in stealing drugs from her employer and Respondent's disregard for the potential harmful effects of her action to the public are violations of K.S.A. 65-1627(a)(3) and are bases 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:

1. 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.

2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. 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.

4. 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.

10/25/19

Date

Alexandra Blas

Alexandra Blas, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 25th day of October 2019, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

TERA RHYNERSON
PO BOX 307
LACYGNE, KS 66040



Kansas Board of Pharmacy Staff