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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

July 8, 2021

KELLI ROSS
815 N MAIN ST
LEON, KS 67074

RE: Case No. 21-078

Dear Ms. Ross:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Kelli Ross)
)
Registration No. 14-105275)

Case No. 21-078

SUMMARY ORDER OF REVOCATION

NOW, on this 8th day of July 2021, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Kelli Ross ("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, the Board makes the following findings, conclusions and order:

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-105275 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. At all times relevant hereto, Respondent worked as a Pharmacy Technician at Walmart Pharmacy #186 in El Dorado, Kansas ("the Pharmacy").

3. On April 22, 2021, the Board received notification from the Pharmacy that Respondent had been terminated for "gross misconduct" regarding theft of controlled substances, specifically acetaminophen with codeine. The Pharmacy had also included in its notification the full notation of an interview that was conducted between Respondent and the Pharmacy's Asset Protection Manager upon her termination ("the interview"). Though no written statement of

admission was completed during the interview, Respondent did acknowledge certain diversion during the dialogue.

4. On May 21, 2021, the Pharmacy also provided to the Board their DEA-106 notification of the theft/loss of controlled substances which identified Respondent as the diverter of 584 tablets of Acetaminophen with Codeine 300mg/30mg. Subsequently, the Board's inspector conducted an investigation.

5. According to the interview notation, Respondent admitted that beginning in February 2021, she took pills from the Pharmacy, as well as ingested up to 14 of these pills per day. It should be noted that the Pharmacy documented 584 missing tablets, but Respondent would only admit to having diverted approximately 100 pills. Respondent stated having begun diverting due to migraines, and that prior to having been prescribed unrelated medication to quell such, she had never had an issue with pills. Respondent acknowledged that she felt bad about and was embarrassed by her actions, that she is not a bad person, and that she had been waiting for someone to catch her.

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.

7/8/2021

Date

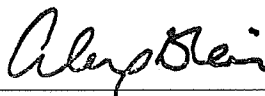


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8th day of July 2021, 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:

KELLI ROSS
815 N MAIN ST
LEON, KS 67074



Kansas Board of Pharmacy Staff