

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of* )  
 ) File No. 23-052  
MELISSA SULLIVAN, R.Ph. )  
LICENSE NO. 1-12701 )

**EMERGENCY AGENCY ORDER**

Melissa Sullivan, R.Ph. (the “Respondent”) is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued her License No. 1-12701.

It has come to the attention of the Board’s Investigation Member that during Respondent’s employment at Sam’s Club Pharmacy #4707, #2-09679, 8300 W. 135<sup>th</sup> St., Overland Park, Kansas 66223, Respondent was terminated from employment on March 3, 2023 for violating Walmart’s Drug and Alcohol policy after video footage revealed Respondent ingesting vanilla extract containing 35% alcohol and appearing impaired.

After considering the foregoing, the Board’s Executive Secretary, in accordance with the authority granted to her by the Board pursuant to the Board’s delegation of authority policy which was adopted November 27, 2018 and re-approved October 13, 2021, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

**I. FINDINGS OF FACT**

For purposes of this order, the Board’s Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-12701, which entitled her to practice pharmacy in the State of Kansas (“Respondent’s License”).

2. On March 1, 2023, pharmacy technicians at Sam's Club Pharmacy #4707 reported witnessing Respondent under the influence of something she had taken while working at the pharmacy that day and Respondent was displaying symptoms in line with Sam's reasonable suspicion policy.
3. Three bottles of Magnolia-Star's Madagascar Bourbon Pure Vanilla Extract containing 35% alcohol were found in the pharmacy. One bottle was empty, one bottle was half full and one bottle was found underneath the pharmacy shelves.
4. Respondent denied taking anything that would cause her to be impaired.
5. Review of video footage showed Respondent ingesting the vanilla extract in the pharmacy, Respondent appeared to be asleep in the back for approximately 30 minutes and Respondent stumbled back and forth from the computer to the back storage area in the pharmacy.
6. On March 3, 2023, Respondent was terminated by Sam's Club Pharmacy #4707 for violating their Drug and Alcohol policy.
7. Respondent's ingestion of alcohol while on duty as a Pharmacist poses a serious health risk to the public health and safety or welfare of individuals who she serves in her employment as a Licensed Pharmacist.

## **II. CONCLUSIONS OF LAW AND FACT**

For purposes of this order, the Board's Executive Secretary makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent

or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627(a)(3), as defined by K.S.A. 65-1626(III)(3), and K.S.A. 65-1627(a)(3), (4), (5), (7), (8) and (13).

### III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.


Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency 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 Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

3/20/2023

Date

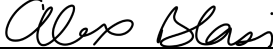


ALEXANDRA BLASI, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 20<sup>th</sup> day of March, 2023, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Melissa Sullivan  
7007 Meadowlark Lane  
Shawnee, KS 66226

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