

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Melissa Thomson )  
 )  
License No. 1-15413 )

Case No. 19-045

**SUMMARY ORDER OF REVOCATION**

NOW, on this 19<sup>th</sup> day of November 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Melissa Thomson ("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**

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

1. The Board has issued Respondent Pharmacist License Number 1-15413 authorizing her to perform the functions of a pharmacist in the State of Kansas ("Respondent's License").

2. At all times relevant hereto, Respondent was employed as a Pharmacist for Greenhaw Pharmacy doing business as Hillsboro Hometown Pharmacy, at 507 N Ash in Hillsboro, Kansas ("the Pharmacy").

3. On February 15, 2019, the Board received a complaint detailing concerns involving potential impairment of and possible diversion by Respondent.

4. On April 11, 2019, the Board's Inspector submitted an investigative report which included the following findings:

- a. On February 13, 2019, Respondent was pulled over for reckless driving and underwent a field sobriety test, after which police did not deem Respondent impaired to drive and released her from the stop.
- b. During the stop, police confiscated from Respondent a non-prescription bottle labeled "Gas Relief" which contained 37 tablets of propranolol 80mg, 18 tablets of diazepam 5mg, and 24 tablets of tizanidine.
- c. In a written statement dated March 30, 2019, Respondent stated that the propranolol and diazepam tablets were left over from medications prescribed to her 10 and 15 years ago, respectively. Respondent admitted taking tizanidine tablets from the returned stock awaiting destruction at the Pharmacy and using it to combat sleeplessness. Respondent admitted to occasional use of the medications confiscated by police. Respondent expressed embarrassment and remorse, and has disclosed the tizanidine diversion to the Pharmacy's pharmacist-in-charge ("PIC").
- d. Respondent's co-workers indicated Respondent has occasional issues with not tracking well at work, appearing drowsy. Respondent stated that she understands working while sleep-deprived to be a form of impairment. Respondent stated that she suffers from insomnia, for which she has been receiving counseling for two years and is pursuing treatment.

- e. Respondent stated that she has never practiced impaired by the use of drugs, and both she and her pharmacist in charge state that they have now put into place a procedure to deal with any drowsiness as work.

#### CONCLUSIONS OF LAW

5. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

6. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist found by the Board to be guilty of unprofessional conduct or professional incompetency.

7. Pursuant to K.S.A. 65-1626(uuu)(5) and (7), unprofessional conduct includes the unlawful possession and/or unlawful diversion of drugs, and conduct likely to deceive, defraud or harm the public.

8. Respondent's diversion of medication from the Pharmacy constitutes the unlawful possession and diversion of drugs, and pursuant to K.S.A. 65-1627(a)(3), is a basis to place Respondent's license in a probationary status and is considered a violation of the pharmacy act.

9. Respondent's judgment in diverting drugs from the Pharmacy returned stock area, as well as her impairment in the Pharmacy as described by herself and her coworkers has the potential to adversely affect Pharmacy customers and is likely to directly or indirectly harm the public. Pursuant to K.S.A. 65-1627(a)(3), this is a basis to place Respondent's license in a probationary status.

## ORDER

The Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of a fine pursuant to K.S.A. 65-1658, in the amount of \$5,000. However, such fine shall be suspended and reduced to \$500 pending successful completion of a two-year probationary period. Respondent has 30 days from the date of this order to pay the reduced \$500 fine.

Furthermore, Respondent's pharmacist license is placed on probation for a period of two years with the following terms:

- Respondent must complete three (3) hours of continuing education in law or patient safety, none of which may count towards Respondent's license renewal, and proof of which must be submitted to the Board within 60 days of the date of this Summary Order;
- Respondent must obtain from a licensed medical practitioner documentation that she is receiving treatment and is fit to practice pharmacy, and provide a copy of such documentation to the Board within 60 days of the date of this Summary Order;
- Respondent must submit to periodic monitoring of her condition and progress by the Board;
- Respondent may not act as a PIC or preceptor during her probation;
- Respondent must notify the Board of any change in employment within 10 days of the change;
- Respondent must inform employers of the probationary status of her pharmacist license;

- Respondent must obtain the signature of her PIC documenting knowledge of her probationary status to the Board; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

### NOTICES

The Respondent is hereby notified as follows:

10. 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.

11. 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.

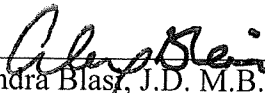
12. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

13. 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.

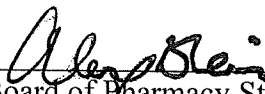
11/19/19  
Date

  
Alexandra Blas, J.D. M.B.A.  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19<sup>th</sup> day of November 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

MELISSA THOMSON  
2250 LIMESTONE  
HILLSBORO, KS 67063

  
Kansas Board of Pharmacy Staff