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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

February 25, 2022

Melissa Thompson  
2250 Limestone  
Hillsboro KS 67063

RE: Case No. 22-065

Dear Ms. Thompson:

Enclosed you will find an Emergency Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. Your Kansas pharmacist license is hereby suspended immediately.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of* )  
 ) File No. 22-065  
MELISSA THOMSON, R.Ph. )  
LICENSE NO. 1-15413 )

**EMERGENCY AGENCY ORDER**

Melissa Thomson, 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. 1-15413.

It has come to the attention of the Board’s Investigation Member that on February 22, 2022, the Respondent falsified prescriptions for Tramadol 50 mg and Pregabalin 150 mg and self-diverted said drugs from Hillsboro Hometown Pharmacy (Kansas License #2-10227) in violation of the Kansas Pharmacy Act.

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 attached hereto 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 1-15413, which entitled her to practice pharmacy in the State of Kansas (“Respondent’s License”).
2. On November 19, 2019, the Board issued a Summary Order based upon Respondent being found guilty of unprofessional conduct, including the diversion of tizanidine

from Hillsboro Hometown Pharmacy, and placed Respondent on Probation for a period of two (2) years.

3. On February 23, 2022, the Board received a report from Eric Driggers, PharmD at Hillsboro Hometown Pharmacy, providing the following information:

a. It was discovered on February 22, 2022, at approximately 8:00 p.m. that the Respondent had falsified prescriptions for Tramadol 50 mg and Pregabalin 150 mg from Hillsboro Hometown Pharmacy; and

b. A current DEA 106 report indicated the issue was identified on February 22, 2022, when a duplicate Tramadol was noted and the Tramadol had been filled on February 21, 2022 after hours when the Respondent was alone in the Pharmacy which was identified and verified by video monitoring; and

c. Respondent was called into the Pharmacy at approximately 8:00 p.m. on February 22, 2022 and she confessed to the unlawful fill of the prescriptions and drug diversion for personal use.

4. A licensed pharmacist who diverts prescription drugs for personal use and unlawfully fills prescriptions without a lawful a prescription for the drug poses a serious health risk to that individual and constitutes an imminent danger to the public health and safety.

## **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. K.S.A. 65-1626(vvv) defines "unprofessional conduct" as (4) intentionally falsifying or altering records or prescriptions, (5) unlawful possession of drugs and unlawful diversion of drugs to others, and (7) conduct likely to deceive, defraud or harm the public, which was violated by the Respondent.

2. K.S.A. 65-1637(g) requires all prescriptions to be filled in strict conformity, which was violated by Respondent.

3. K.S.A. 65-4123(c) provides a controlled substance included in schedule III, IV, or V which is a prescription drug shall not be dispensed without...a...prescription, which was violated by Respondent.

4. K.S.A. 65-4123(d) provides a controlled substance shall not be distributed or dispensed except by a valid prescription order, which was violated by Respondent.

5. 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.

6. 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), (4), (5), (6), (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.

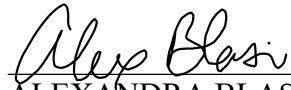
Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

2/25/2022

Date




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

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 25th day of February, 2022, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Melissa Thomson  
2250 Limestone  
Hillsboro, KS 67063

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

# **Kansas State Board of Pharmacy**

## **Board Delegation of Authority**

Date of Adoption: November 27, 2018

Date of Re-Approval: October 13, 2021

### **Purpose**

The Board hereby establishes this policy to delegate authority to certain Board members and staff to carry out its mission of ensuring the protection of the public. K.S.A. 74-1606 requires the Board to:

- annually organize by electing a President and a Vice-President;
- appoint a full-time Executive Secretary whose employment shall be subject to the pleasure of the Board;
- employ such inspectors, chemists, agents and clerical help as may be necessary for administering and enforcing the Kansas Pharmacy Practice Act; and
- employ an attorney to assist in prosecutions under the Kansas Pharmacy Practice Act and other purposes designated by the Board.

The Board should aim to update and ratify this document on an annual basis in conjunction with electing the President, Vice-President, and any other Board officers to ensure all delegations of Board authority are appropriate.

### **Matters Specifically Reserved for the Board**

The following matters are specifically reserved for action of a majority of the Board:

- Employment, performance reviews, and salary of the Executive Secretary
- Elections of Board officers
- Appointments to the following Committees
  - PMP Advisory Committee (K-TRACS)
  - Collaborative Drug Therapy Management (pharmacist members only)
  - Continuing Education Review
  - Pilot Project Review
  - Kansas Drug Utilization Review Board (nominations only)
- Pilot projects
- Approval to introduce legislation on behalf of the Board
- Approval of all new and amended administrative regulations
- Ratification of all new pharmacist and pharmacy licenses
- Disciplinary matters
  - Final approval of all stipulation and/or consent agreements
  - Preside over, conduct, and decide all administrative proceedings and hearings resulting from requests by the Board's Investigative Member or any Respondent
- Adoption of the Board mission, vision, objectives, and strategic plan

### **Duties of and Delegations to Specific Board Members or Officers**

- The Board President shall have the following duties and responsibilities
  - Preside over all Board meetings
  - Work with the Executive Secretary to finalize the agenda for the Board meetings
  - Provide guidance to the Executive Secretary regarding relevant topics introduced during the Kansas legislative session when the full Board is not available
  - Approve any budget appeal request
  - Approve employee awards (except employee of the quarter)



- Coordinate performance reviews for the Executive Secretary
- Represent the Board with the National Association of Boards of Pharmacy
- The Board Vice-President shall have the following duties and responsibilities
  - Provide guidance to the Executive Secretary regarding relevant topics introduced during the Kansas legislative session when the full Board is not available
  - If for any reason the Board President is absent, unable, or unwilling to fulfil his/her responsibilities, the Board Vice-President shall fulfil such responsibilities until the Board President is able to resume his/her role.
- The Board Investigative Member shall have the following duties and responsibilities
  - Review all cases presented at the bimonthly investigative review
  - As requested by staff, provide feedback regarding any investigation
  - Authorize initiation of all disciplinary proceedings or action (except emergency action) on behalf of the Board not otherwise delegated to the Executive Secretary
  - Give approval for all referrals to the Kansas Impaired Provider Program or requests for mental health evaluations
  - Approve settlement actions, stipulations, and consent agreements subject to approval of the Board.
- Alternate Investigative Member
  - If for any reason the Board Investigative Member is absent, unable, or unwilling to fulfil his/her responsibilities or has a conflict of interest which prohibits review of the matter, the Board Alternative Investigative Member shall fulfil such responsibilities until the Board Investigative Member is able to resume his/her role.

#### **Matters Delegated to Board Committees**

- The Board hereby delegates to the Continuing Education Review Committee the review and approval of all timely and complete requests for individual and provider continuing pharmacy education credit.

#### **Matters Delegated to the Executive Secretary**

- The Board hereby delegates to the Executive Secretary all responsibilities and functions not expressly reserved to the Board, its officers, or Committees.
- The following Board matters are expressly delegated to the Executive Secretary:
  - Final approval of all contracts, including the following:
    - Request for Proposal (RFP)
    - Attorney services
    - Impaired provider programs
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate no disciplinary or criminal offense history.
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate disciplinary or criminal offense history that do not pose an actual or potential danger to the public.
  - Denial of license, registration, and permit applications that fail to meet the requirements for licensure and/or fail to respond to the Board's requests for information or documents.
  - Initiation and approval of summary disciplinary actions related to the following standard violations
    - Continuing education
    - Misrepresentation on any application

- Failure to notify the Board pursuant to the Kansas Pharmacy Practice Act (i.e., facility address or ownership change, PIC resignation, new PIC within 30 days, etc.)
  - Failure to comply with a Board order
  - Returned payments for insufficient funds
  - 
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate disciplinary or criminal offense history that warrant a standard probationary period
  - Approval of license, registration, and permit applications that meet all requirements for licensure and indicate operating in Kansas without a valid license, registration, or permit consistent with an administrative fine set by the Board
  - Revocation of pharmacy technician registrations self-admitting diversion of drugs in a pharmacy
- Dismissal of any Board order which later indicates no violation of the Kansas Pharmacy Practice Act
- Initiation of default proceedings for individuals that fail to appear for a hearing before the Board
- Emergency action related to an imminent danger to the public
- Decisions regarding all petitions for review and petitions for reconsideration
- Denial of all incomplete or late requests for individual or provider continuing pharmacy education credit.
- Approval or denial of third party inspection providers
- Approval or denial of any K-TRACS user registration application, PMP Interconnect agreement, or INTEGRx8 request
- Enrollment of any registered pharmacy in the K-TRACS Clearinghouse for reporting of PDMP data
- Selection of the employee of the quarter
- The Executive Secretary shall have authority to delegate to staff where appropriate