

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JAN 06 2017
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
David Traylor, R. Ph.)
)
Pharmacist)
)
License No. 1-11847)

Case No. 16-203b

SUMMARY ORDER

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of David Traylor, R. Ph. ("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 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 previously issued Respondent License No. 1-11847 which entitles Respondent to function as a pharmacist in the State of Kansas ("Respondent's License").
2. Respondent acts as the Pharmacist in Charge of Shopko Pharmacy in Norton, Kansas.
3. As a Pharmacist in Charge, Respondent is in charge of the pharmacy technicians on staff at Shopko Pharmacy.

4. After a Board investigation, it was determined that one of Shopko's pharmacy technician's, Karen Peterson, continued working in her capacity as a pharmacy technician after expiration of her registration on October 31, 2016.

5. While being interviewed by the Board's Investigative Member, Respondent admitted to knowing about the lapsed registration but allowed Ms. Peterson to continue working as a pharmacy technician without a proper registration.

6. On November 18, 2016, Respondent provided a written statement demonstrating knowledge of Ms. Peterson's expired registration.

CONCLUSIONS OF LAW

7. 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.

8. Pursuant to K.A.R. 68-7-12(a), the Pharmacist in Charge shall develop, supervise, and coordinate all pharmaceutical services carried on within the pharmacy to ensure compliance with the Kansas Pharmacy Act.

9. Pursuant to K.S.A. 65-1663(a), it shall be unlawful for any person to function as a pharmacy technician unless such person is registered with the Board as a pharmacy technician.

10. Respondent violated the Kansas Pharmacy Act when he allowed a pharmacy technician to work without a valid registration, thus violating his responsibility as a pharmacist in charge to ensure compliance with the Kansas Pharmacy Act.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$500.00. A violation of K.A.R. 68-7-12(a) warrants a fine of \$500.00. Respondent has 30 days from the date of this order to pay the full \$500.00, or until Monday, February 06, 2017.

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.

Matter of David Traylor, No. 16-203b (Kan. Bd. of Pharmacy)

SUMMARY ORDER

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11/6/17
Date

Alexandra Blasi

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

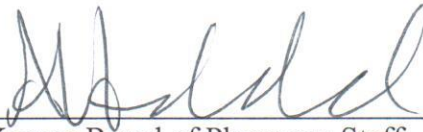
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

David Traylor
510 North Brown Ave.
Norton, KS 67654

and the original hand delivered to:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Kansas Board of Pharmacy Staff