

Filed

APR 13 2011

KANSAS STATE
Board of Pharmacy

IN THE STATE OF KANSAS
BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
)	
Dolores Warnica)	Case No. 10-92
Pharmacy Technician Registration))	
Number 14-08630)	
_____)	

SUMMARY ORDER

COMES NOW the Kansas State Board of Pharmacy (“Board” or “Plaintiff”) and reviews the file on Dolores Warnica, Registered Pharmacy Technician (“Respondent” or “Technician”).

THEREUPON, being duly advised in the matter, the Board finds that:

General

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, et seq) and with the enforcement of the rules and regulations promulgated thereunder (KAR 68-1-1a et seq). Further, the Board is authorized to initiate proceedings to revoke, suspend or place on probation any license, registration, or permit issued by the Board under provisions of the pharmacy act of the State of Kansas pursuant to K.S.A. 65-1627(a). The Respondent is presently registered as a technician in the State

of Kansas having been issued Registration No. 14-08630.

2. The Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq. K.S.A. 65-1627. Such proceedings may result in suspension, revocation and other disciplinary actions affecting Respondent's ability to work as a registered technician in the State of Kansas.

3. Pursuant to K.S.A. 65-1663(e)(1) 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.

4. K.S.A. 65-1627(a)(3) provides that:

(a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

5. The Board finds that the Respondent was terminated by the Pharmacy Division of her Wal-mart employer for "refilling an unauthorized controlled substance prescription for herself." The Respondent filled a prescription not authorized by the prescriber being prescription number RX #4476935 for Lorazepam 0.5 fill date August 22, 2010. Such actions are acts committed by Respondent and are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 et seq.

Order

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is **hereby revoked**.

Respondent's Right to a Hearing

The Respondent may request a hearing to contest this Summary Order in accordance with the provisions of the Kansas Administrative Procedure Act.

1. A written request for a hearing must be filed with the Executive Director, within fifteen (15) days of service of this Petition and notice as prescribed by K.S.A. 77-542(a). The request must be submitted to the following person at the address shown below.

2. Failure to submit a timely request will result in a waiver of the Respondent's right to a hearing and this Summary Order will become a final order revoking the Respondent's Registration, as more fully set forth above, as a pharmacy technician in the State of Kansas.

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 request for hearing or a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, Kansas 66612

IT IS SO ORDERED.



Investigation Member
Kansas State Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

3-8-2011

Dated

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 10 day of March, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order to Revoke Registration, properly addressed to the following:

Original: Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Copy: Dolores Warnica
2363 1100 Avenue
Herrington, KS 67449



Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612
(785) 296-4056 / Main Office
(785) 296-8420 / Telefax