

Filed By

MAR 20 2020

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Caitlin Warnick)
)
Registration No. 14-104860)

Case No. 19-432

SUMMARY ORDER

NOW, on this 20th day of March 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Caitlin Warnick, ("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, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-104860 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about August 26, 2019, the Board received information regarding a DUI charge for an incident that occurred on August 24, 2019.
3. On September 3, 2019, the Board sent a letter to Respondent's address of record requesting a completed Personal History Form S-150 ("S-150") detailing the incident, as well as certified copies of the court pleadings from the case.

4. On October 15, 2019, the Board received a request from Respondent to extend her deadline to produce the documents. Respondent's request was granted until November 15, 2019.

5. On or about November 14, 2019, the Board received the requested S-150 from Respondent, which included letters of recommendations and test scores, but did not include any court documentation.

6. On November 21, 2019, the Board sent Respondent a second request for the relevant court documentation.

7. On January 10, 2020, the Board received the requested court documentation from Respondent.

8. On January 24, 2020, the Board sent a letter to Respondent requesting that she notify the Board of the status of her court case by February 24, 2020.

9. On February 19, 2020, Respondent notified the Board that she would be completing a diversion through December 2020.

10. On February 21, 2020, the Board emailed Respondent to request a signed copy of Respondent's diversion agreement.

11. On March 12, 2020, the Board received Respondent's diversion papers, which indicated that Respondent will be serving diversion through December 30, 2020, for the charges of operating under the influence, turning from the far lane, and possessing drug paraphernalia. The diversion's terms include DUI panel attendance and completion of an 8-hour ADIS class by June 30, 2020, as well as payment of court fines.

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1663, 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.

2. Pursuant to K.S.A. 65-1627(a)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Respondent's misdemeanors are bases to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2), as she is still under court diversion and therefore, unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Registration is hereby placed on a 2-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must continue compliance with the terms of her court diversion agreement, and must notify the Board of any change in such within 10 days of the change;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;

- Respondent must obtain the signature of her pharmacist-in-charge (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

Respondent is hereby notified as follows:


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

IT IS SO ORDERED.

Date

3/20/2020




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of March 2020, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

CAITLIN WARNICK
1506 JENKINS ST
MARYSVILLE, KS 66508



Kansas Board of Pharmacy Staff