

January 26, 2021

MISTY WHITAKER
4321 E BELLAIRE ST
WICHITA, KS 67218

RE: Case No. 20-220

Dear Ms. Whitaker:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Misty Whitaker)
)
Registration No. 14-15989)

Case No. 20-220

SUMMARY ORDER OF REVOCATION

NOW, on this 26th day of January 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Misty Whitaker (“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

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-15989 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. At all times relevant hereto, Respondent was employed at Walmart Pharmacy #1099, located at 501 East Pawnee Street in Wichita, Kansas (“the Pharmacy”).
3. On or about April 17, 2020, the Board received from the Pharmacy a notice that Respondent had been terminated on April 8, 2020, due to gross misconduct. The notice stated that Respondent had admitted to theft of cash and general merchandise, but that no pharmacy medications were involved in the investigation.

4. On April 28, 2020, the Board sent a letter to Respondent's email address of record requesting a Personal History Form S-150 ("S-150") documenting the theft incident(s).

5. On June 18, 2020, the Board received from Respondent the requested S-150, in which she explained that she stole money from the Pharmacy's cash register out of desperation.

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1663 the Board may limit, suspend, or revoke a 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. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

3. That K.S.A. 65-1626(uuu) defines unprofessional conduct to include that which is likely to deceive, defraud, or harm the public.

4. Respondent's conduct in stealing money and Respondent's defrauding of an employer are deemed violations of K.S.A. 65-1627(a)(3) and are bases to revoke Respondent's Registration.

ORDER

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

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.

1/26/2021

Date

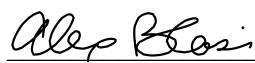


Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of January 2021, 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:

MISTY WHITAKER
4321 E BELLAIRE ST
WICHITA, KS 67218



Kansas Board of Pharmacy Staff