

February 5, 2024

Janet Wilhite
1124 N Coachhouse Rd
Wichita KS 67235

RE: Case No. 23-450

Dear Ms. Wilhite:

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)
)
Janet Wilhite)
)
Registration No. 14-118857)

Case No. 23-450

SUMMARY ORDER OF REVOCATION

NOW on this 5th day of February, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Janet Wilhite (“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, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 3, 2023, the Board issued Respondent Pharmacy Technician Registration Number 14-118857 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. Respondent’s Registration was issued subject to a 2-year probationary period pursuant to the Board’s Summary Order, Case 22-276, dated November 22, 2022, incorporated herein by reference. The terms of the probation were as follows:

- a. Notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;

- b. Notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
 - c. Inform employers of the probationary status of her pharmacy technician registration;
 - d. Obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board;
 - e. Respond to semi-annual requests from the Board for an update; and
 - f. Comply with all rules and regulations of the Pharmacy Practice Act.
3. On August 28, 2023, the Board received a notification that Respondent was terminated from Dillons Pharmacy for diversion of controlled substances. Subsequently, the Board's inspector conducted an investigation.
4. The Board received a copy of a signed statement from Respondent admitting that during the previous working month she took approximately \$480 worth of tizanidine, carisoprodol, alprazolam, and lorazepam for personal use.

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. 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(vvv) defines unprofessional conduct to include the unlawful possession of drugs and/or conduct likely to deceive, defraud, or harm the public.

4. That pursuant to K.S.A. 65-1627(a)(16), the licensee has violated or failed to comply with any lawful order or directive of the board.

5. Respondent's diversion of controlled substances from the pharmacy are violations of K.S.A. 65-1627(a)(3) and are bases to revoke Respondent's Registration.

6. Respondent's diversion of controlled substances from the pharmacy is a violation of the Pharmacy Practice Act and, therefore, a violation of the probationary terms of Respondent's Registration, and a basis 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.

2/5/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5th day of February, 2024 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:

Janet Wilhite
1124 N Coachhouse Rd
Wichita KS 67235



Kansas Board of Pharmacy Staff