

BEFORE THE KANSAS BOARD OF PHARMACY
800 SW Jackson, Suite 1414
Topeka, KS 66612-1231

Filed By
DEC 21 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Dana Barton,)
Kansas License No. 1-11725 ,)
Pharmacist.)
_____)

Case No. 16-152

SUMMARY ORDER OF SUSPENSION

NOW on this 21 day of December, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, Dana Barton (the "Respondent") an individual currently licensed by the Board as a pharmacist under Kansas License No. 1-11725.

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 Investigation Member enters this Summary Order of Suspension in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

For purposes of this order, the Board's Investigative Member makes the following findings of fact:

1. On or about July 31, 2015, Respondent submitted a renewal application to engage in the practice of pharmacy in the State of Kansas.

2. In the application, Respondent was asked whether Respondent has completed 30 hours of continuing education during the renewal period as required by law and Respondent answered "Yes."

3. Respondent's application was chosen for an audit to provide proof of Respondent's continuing education certificated or to provide a transcript of completion of required hours.

4. Respondent provided 0 hours of continuing education instead of the required 30 hours necessary to renew Respondent's pharmacy license.

5. The Board issued a Summary Order on December 16, 2015, which became final and effective on January 5, 2016.

6. In the Summary Order, the Board required Respondent to complete the 30 missed or falsified continuing education hour, in addition to 4 additional hours per hour missed or falsified, requiring 120 completed continuing education hours.

7. The Summary Order also required Respondent to pay a fine of \$10 for each hour of missing or falsified continuing education, totaling a fine in the amount of \$3,000.

8. On January 28, 2016, the Board sent a "Second Notice" requiring compliance with the Summary Order. Respondent did not respond to the letter.

9. On March 11, 2016, the Board sent a "Final Notice" requiring compliance with the Summary Order. Respondent did not respond to the letter.

10. On June 5, 2016, the Board emailed Respondent regarding the fine and gave him 15 additional days to comply. Respondent did not respond to the email.

11. To date, Respondent has not paid the fine.

CONCLUSIONS OF LAW

12. 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.

13. 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).

14. That K.S.A. 65-1626 (ccc)(7) defines unprofessional conduct to include conduct likely to deceive, defraud or harm the public.

15. That pursuant to K.S.A. 65-1627(a)(15), the Board may take action against a license of a pharmacist for failing to furnish the board, its investigators or its representatives any information legally requested by the board.

16. Respondent's failure to comply with the 2015 Summary Order, requiring completion of Continuing Education hours and the payment of a fine, constitutes unprofessional conduct.

17. Furthermore, Respondent's failure to respond to the Board's letters and email constitutes failure to furnish the Board with legally requested information or payments.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Registrant's Kansas License Number 1-11725 is hereby SUSPENDED pending compliance of the Summary Order dated December 16, 2015.

NOTICES

Registrant is hereby notified as follows:

18. Registrant 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.

19. If a hearing is not requested as described above, the Summary Order of Suspension suspending Registrant's Kansas Pharmacy Technician Registration No. 14-17860 shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

20. 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.

21. 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.


12/21/14
Date

Alexandra Blasi
Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of December, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Suspension, properly addressed to the following:

DANA BARTON
208 E. 3RD, APT #3, PO BOX 165
CANEY, KS 67333



Kansas Board of Pharmacy Staff