

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

AUG 25 2021

KANSAS STATE
BOARD OF PHARMACY

Case No. 20-190

In the Matter of

Shasity Brown

License Number 14-10151,

Respondent.

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) to affirm the Summary Order of Revocation dated May 25, 2021, revoking the Pharmacy Technician Registration Number 14-10151 issued to the Respondent, Shasity Brown (Brown).

Statement of Case

This matter comes on for hearing on this the 19th day of August 2021, before the Board upon the request for a hearing submitted by Brown on or about June 4, 2021. Brown requested a hearing on the Board's Summary Order of Revocation dated May 25, 2021 seeking to revoke Brown's Pharmacy Technician Registration Number. The hearing was conducted by video conference.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph; Tiffany Strohmeier, PharmD; Terica Gatewood, PharmD; Andrew Truong, PharmD; Erick Axcell, PharmD; and, Lucinda Noches Talbert, Public Member.

Brenda Head appeared as the Board's disciplinary counsel.

Brown appeared in person by telephone and *pro se*.

Loren F. Snell, Jr., Administrative Law Judge (ALJ), was appointed and served as the presiding officer over the evidentiary hearing.

Evidentiary Rulings

The Board offered Exhibits 1 through 12 for admission as evidence. Brown had no objection to admission of Exhibits 1 through 12. Board's Exhibits 1 through 12 were admitted.

Brown offered Exhibit A for admission as evidence. Counsel for the Board had no objection to admission of Exhibit A. Brown's Exhibit A was admitted.

Findings of Fact

1. The Board issued Pharmacy Technician Registration Number 14-10151 to Brown allowing Brown to perform the functions of a pharmacy technician in the State of Kansas.

2. On or about April 29, 2020 the Board mailed a Summary Order to the respondent due to her failure to complete the required continuing education (CE) units during an audited period. (Exhibit 3) The Board imposed a fine of \$200 on Brown, due within 30 days, and required Brown to submit proof of completing thirty-six (36) hours of CE within sixty (60) days.

3. Brown did not request an administrative hearing related to the April 29, 2020 Summary Order.

4. On September 24, 2020 the Board sent an email to Brown requesting payment of the past-due fine and proof of the completion of the CE requirements within thirty (30) days. (Exhibit 4)

5. On October 9, 2020 Brown sent an email to the Board questioning the amount of the fine and indicating she was unable to pay the \$200 fine. (Exhibit 5) Brown requested a payment arrangement or an extension.

6. On November 2, 2020 the Board received a check from Brown in the amount of \$200 to pay the fine assessed in the April 29, 2020 Summary Order. (Exhibit 6)

7. On November 25, 2020 the Board sent a Final Request to Brown by email. (Exhibit 8) The Board notified Brown that proof of completion of the required thirty-six (36) hours of CE had not been received and allowed Brown an additional fifteen (15) days to forward proof of completion.

8. On May 25, 2021 the Board issued a Summary Order of Revocation seeking to revoke Brown's pharmacy technician registration due to her failure to comply with a lawful order or directive of the Board, failure to complete the required CE units, and failure to comply with the April 29, 2020 Summary Order. (Exhibit 9)

9. The Board presented testimony during the hearing that Brown had completed twenty-three (23) CE units since November 1, 2019, thirteen (13) shy of the required number according to the April 29, 2020 Summary Order. It was further noted that Brown had not completed any CE units since the Summary Order of Revocation was issued on May 25, 2021.

10. Brown acknowledged she had not completed the required thirty-six (36) CE units and stated it was an oversight on her part. Brown testified she would complete the requirement; however, was not able to provide a plan for how she would do so.

Applicable Statutes, Regulations and Policies

"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." K.S.A. 65-1663(f)(1).

“The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (9) the licensee has failed to comply with the continuing education requirements of the board for license renewal; or (16) the licensee has violated or failed to comply with any lawful order or directive of the board.” K.S.A. 65-1627(a).

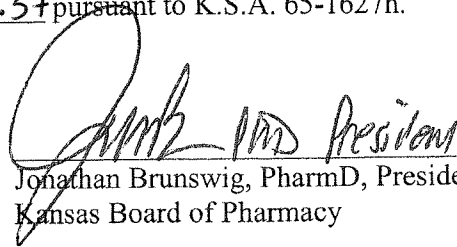
“Twenty clock-hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period. Continuing education clock-hours may be prorated for registration periods that are less than biennial at a rate of 0.8 clock-hours per month.” K.A.R. 68-5-18(b).

Decision

The Board considered that Brown failed to satisfy the continuing education requirements for pharmacy technicians in the State of Kansas. The Board was able to obtain proof of completion of twenty-three (23) hours, thirteen (13) hours less than had been required by the April 29, 2020 Summary Order. The Board also considered Brown’s failure to comply with multiple directives of the Board as related to payment of her fine and completion of the continuing education requirements. While Brown did eventually pay the \$200 fine, it was well after the imposed deadline(s). Finally, the Board considered that Brown had made no effort to complete the continuing education requirement after the Summary Order of Revocation was issued on May 25, 2021 and was not able to provide any plan for how she would complete the requirements prior to her next renewal period.

The Board voted 6-1 to affirm the Summary Order of Revocation and revoke Brown's Pharmacy Technician Registration Number. Because Brown did not prevail, she is also ordered to pay the costs of the hearing in the amount of \$644.37 pursuant to K.S.A. 65-1627h.

8/25/2021
Date


Jonathan Brunswig, PharmD, President
Kansas Board of Pharmacy

NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

Certificate of Service


On 25th day of August, 2021, I certify that a copy of the foregoing was deposited in business mail which is then placed in the United States first class mail, postage prepaid, addressed to:

Shasity Brown
8463 Farley.
Overland Park, KS 66212

Brenda Head
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy