

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of
Rikki Brownfield,
Pharmacy Technician
Registration No. 14-102490

Case No. 17-305

FINAL ORDER

Statement of Case

This matter comes before the Kansas Board of Pharmacy (Board) on the Summary Order revoking the respondent's, Rikki Brownfield (Brownfield), pharmacy technician registration.

The hearing in this matter was held on November 27, 2018. Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Robert Haneke, PharmD; Cheri Pugh, Public Member, Chad Ullom, R.Ph., and Bill Walden, R.Ph.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Brownfield appeared in person and *pro se*.

Findings of Fact

1. The Board previously issued Pharmacy Technician Registration No. 14-102490 to Brownfield, authorizing her to perform the functions of a pharmacy technician in the State of Kansas.

2. On December 13, 2017, the Board received information that Brownfield had been arrested in Mission, Kansas on or about November 9, 2017 for possession of drugs, to wit: marijuana, in violation of Mission City Ordinance 215.050.

3. On December 20, 2017 the Board requested that Brownfield submit a Personal History Form, S-150, explaining the offense. Brownfield was to supply the information on or before January 22, 2018.

4. Having received no response, on January 30, 2018 the Board sent Brownfield a second letter requesting that she submit a Personal History Form, S-150, to explain the offense.

5. On March 1, 2018 Brownfield contacted the Board to request an additional 30-days to provide the documentation that had been requested.

6. On April 6, 2018 the Board sent Brownfield a letter marked "Final Request," requesting that a S-150 Form explaining the offense, as well as certified copies of court pleadings from the case, be submitted to the Board by no later than April 23, 2018.

7. On April 23, 2018 Brownfield contacted the Board to advise that the S-150 Form had been sent and should be received by the Board by April 25, 2018.

8. The Board received the Personal History Form, S-150, from Brownfield on April 25, 2018.

9. On May 31, 2018 the Board emailed a letter to Brownfield requesting that she submit all court documents related to the offense, as well as any police reports and/or tickets issued, by no later than June 8, 2018.

10. On June 21, 2018 the Board received the court documents form Brownfield.

11. On August 9, 2018, the Board issued a Summary Order Revoking Brownfield's Registration, and mailed a copy of the same to Brownfield.

12. On August 20, 2018, Brownfield sent an email to the Board requesting a hearing on the Summary Order.

13. Brownfield testified that she had to wait a while in order to obtain the court documents. Brownfield testified, consistent with her statement on the S-150, that she was pulled over for speeding and upon searching her vehicle the officer found a container in her roommate's bag that had marijuana inside. Brownfield testified that she took responsibility for the marijuana to protect her roommate, who reportedly had warrants for her arrest and a 4-year-old daughter. Brownfield testified that she completed an informal diversion on the drug possession charge. When questioned Brownfield stated that she is not subject to drug screening nor is she participating in any type of drug program.

14. Brownfield is currently employed a pharmacy technician at Optum Rx.

Applicable Law
and
Discussion

1. According to K.S.A. 65-1663(f)(1), "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. K.S.A. 65-1267(a)(3) permits the Board to revoke a license or registration if “the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.”

3. K.S.A. 65-1627(a)(15) permits the Board to revoke a license or registration if “the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.”

4. K.S.A. 65-1627(a)(16) allows for revocation if “the licensee has violated or failed to comply with any lawful order or directive of the board.”

5. In considering this matter the Board noted that numerous attempts were made to obtain an explanation of the offense from Brownfield, as well as the relevant law enforcement and court documents. Brownfield repeatedly failed to submit the documentation that was requested, resulting in numerous delays. When the explanation was finally submitted it lacked the documentation that had been requested. The documentation was eventually submitted but was nearly two weeks past the deadline and was only provided after multiple requests and a threat of disciplinary action. In looking at the certifications on the documents, Brownfield did not even attempt to obtain the court documents until June 7, 2018, one day before the deadline to submit the documents to the Board. The Board felt there was a lack of diligence and urgency on Brownfield’s part in taking the steps necessary to comply with the Board’s lawful requests to prevent discipline with regards to her registration. Nonetheless, Brownfield’s failure and delay in supplying the requested information is a violation of K.S.A. 65-1627(a)(15) and (16). The Board felt

that Brownfield failed to take the necessary steps to cooperate with the Board's requests and failed to demonstrate a sense of responsibility consistent with the registration that she was attempting to retain. It is recognized by the Board that there is a higher degree of responsibility and expectation associated with having a pharmacy technician registration than there would be with being a member of the public at large.

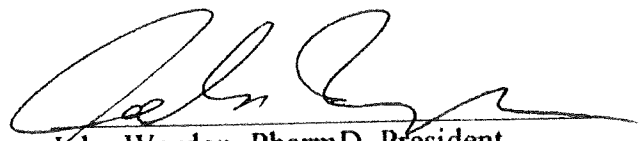
6. Furthermore, the Board, in weighing Brownfield's credibility, felt that she lacked credibility. Specifically, the Board had doubts about Brownfield's explanation that the drugs found in her car were not hers and that she was merely taking responsibility for the drugs so her roommate would not get arrested. The officer asked to search the vehicle because he reportedly smelled marijuana in the vehicle. If the officer was able to smell drugs in the vehicle, discovery of the drugs by the officer should not have been a surprise to Brownfield. It was the Board's opinion that Brownfield had knowledge of the marijuana and that she was charged with the offense of possession because the drugs were hers. Brownfield engaged in unprofessional conduct, in violation of K.S.A. 65-1627(a)(3).

Order

Based on the foregoing, the Board upholds the Summary Order Revoking Brownfield's Pharmacy Technician Registration.

IT IS SO ORDERED.

12-26-18
Date


John Worden, 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 December 28, 2018, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Rikki Brownfield
717 NE Drew Ct.
Blue Springs, MO 64014

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

and hand-delivered to:

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

Jawun ma

Staff Person