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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 21, 2024

Saul Carvallo-Herrera
10302 W 76th St, Apt 104
Lenexa KS 66214

RE: Case No. 24-164

Dear Saul Carvallo-Herrera:

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)
)
Saul Carvallo-Herrera) Case No. 24-164
)
)
Registration No. 24-116562)

SUMMARY ORDER OF REVOCATION

NOW on this 21st day of March, 2024 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Saul Carvallo-Herrera (“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. The Board has issued Respondent Pharmacy Technician Registration Number 24-116562 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On February 13, 2024, Walgreen’s Pharmacy in Lenexa, Kansas (the “pharmacy”) received a telephone call from a patient reporting their Oxycodone IR 15 mg prescription was missing 2 tablets from a prescription dose of 160 tablets. A pharmacist at the pharmacy conducted an audit of the pharmacy’s inventory and reviewed the prescription’s entered/filled history and noted it was initially handled by Respondent. Another pharmacist at the pharmacy conducted a CCTV review of the prescription filling process and observed that Respondent filled the

prescription at 9:41pm on February 12, 2024 and appeared to conceal 2 tablets in his left hand and place them in his left pocket.

3. On February 13, 2024, the pharmacy provided an initial notification to the DEA and the Board of a suspected theft or loss of controlled substances from the pharmacy.

4. On February 14, 2024, Respondent provided a written statement to the pharmacy admitting to theft from the pharmacy of Temazepam (200 tablets), Trazadone (100 tablets), Buprenorphine (20 tablets), Cyclobenzaprine (20 tablets), and Oxycodone (2 tablets) medications over the previous 18-24 months, while employed by the pharmacy. Respondent was terminated from his employment and the pharmacy filed a police report with the Lenexa Police Department.

5. On March 12, 2024, the Board received a completed DEA-106 form from the pharmacy reporting Respondent's theft of controlled substances valued at \$2,244.

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

ORDER

SUMMARY ORDER OF REVOCATION

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.

3/21/2024

Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21st day of March, 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:

Saul Carvallo-Herrera
10302 W 76th St, Apt 104
Lenexa KS 66214



Kansas Board of Pharmacy Staff