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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 17, 2022

Lisa Church
2395 65th St
Mapleton KS 66754

RE: Case No. 22-074

Dear Ms. Church:

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)
)
Lisa Church)
)
Registration No. 14-105248)

Case No. 22-074

SUMMARY ORDER OF REVOCATION

NOW on this 17th day of March, 2022 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Lisa Church ("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 14-17039 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. At all times relevant hereto, Respondent was employed as a pharmacy technician at Iola Pharmacy Clinic ("the Pharmacy").
3. On January 6, 2022, the Board received information via email about termination of Respondent's employment at the Pharmacy. The notification indicated Respondent's employment was terminated because Respondent filled fraudulent prescriptions for herself and submitted them to insurance, though the medication was never ordered for the Pharmacy and the medication was

never dispensed to Respondent. Respondent was also reported to have taken verbal prescription orders for herself and family members.

4. On February 1, 2022, Respondent provided a verbal confession to the Pharmacy owner that she committed the acts outlined in paragraph 3.

5. On February 1, 2022, the Board obtained documents confirming Respondent was involved in processing and falsifying records of nine prescription orders (Xiidra & Gemtesa) for herself and family members allegedly prescribed by Dr. T.S. All prescription orders were submitted to insurance and/or through manufacturer coupons. Pharmacy records of third-party claims were manually edited after transmission. The drug on hand inventories of the Pharmacy were edited so that the drugs were not ordered or received by the Pharmacy. The prescriptions were signed for in the point-of-sale system at the Pharmacy but were never picked up. Three of the prescriptions for Respondent's family members were documented to have been received verbally by Respondent (a technician) and not a pharmacist.

6. On February 7, 2022, The Board received an e-mail received from the Pharmacy indicating that the Pharmacy owner discussed the aforementioned prescription orders with Dr. T.S., the indicated prescriber, and Dr. T.S. did not remember prescribing any of the prescriptions, and further noted that none of the prescriptions filled as verbal orders were documented in his clinic's electronic medical records system.

7. On February 8, 2022, a written statement was received from Dr. T.S. stating he had no recollection of prescribing Xiidra to Respondent or the other identified patients. He also noted he did not believe he had ever prescribed Xiidra to any patient.

8. On February 8, 2022, a written statement was received from Dr. J.R. stating he did not telephone in a prescription for Gemtesa for Respondent's husband.

9. On February 10, 2022, the Board obtained documents showing four prescriptions of questionable validity (Nurtec) for Respondent and her family members were submitted to insurance and/or through manufacturer coupons. The Pharmacy records of the third-party claims were manually edited after transmission. The drug on hand inventories of the Pharmacy were edited so that the drugs were not ordered or received by the pharmacy. The prescriptions were signed for in the point-of-sale system at the Pharmacy but were never picked up.

10. On February 10, 2022, the Board received copies of receipts showing that of the 13 prescriptions in question, three of the receipts have a different patient pay amount than that which was billed in the point-of-sale system.

11. On March 1, 2022, Respondent provided a written statement that indicated: "I humbly write to you to express my deepest apologies for my actions at Iola Pharmacy which led to my termination... I take full responsibility for my actions. This came at a time when I was experiencing financial hardships, and I took total advantage of it... I 100% regret my actions."

12. On January 4, 2022, the Board received information concerning a January 2022 domestic battery offense by Respondent.

13. On January 4, 2022, the Board sent a letter to Respondent's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.

14. On January 14, 2022, the Board received a letter of recommendation from one of Respondent's coworkers.

15. On January 31, 2022, the Board again requested the S-150 and court documents.

16. On February 9, 2022, the Board received a one-page statement from the court that the ongoing charges had not yet been decided and a two-page court docket summary.

17. To date, the Board has not received a detailed S-150 statement regarding the domestic battery offense.

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)(4) and (7) defines unprofessional conduct to include intentionally falsifying or altering records or prescriptions and/or conduct likely to deceive, defraud, or harm the public.

4. That pursuant to K.S.A. 65-1627(a)(8), the Board may take action against the license of a pharmacist if the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.

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

6. Respondent's falsification of prescriptions orders for herself and her family members, as well as her engagement in manually editing pharmacy claims and inventories are unprofessional conduct and a basis to revoke Respondent's Registration under K.S.A. 65-1627(a)(3).

7. Respondent's willingness to unjustly enrich herself by making fraudulent claims, falsifying prescription orders, altering pharmacy records, etc. are unprofessional conduct likely to harm the public and a basis to revoke Respondent's Registration under K.S.A. 65-1627(a)(3). Furthermore, while Respondent's actions were limited to herself and her family members, Respondent expressed no personal limitation that would have prevented Respondent from replicating this same fraudulent scheme to harm other individuals, thus furthering the nature of her unprofessional conduct and the potential harmful effects of her action on the public.

8. Respondent's act of taking a verbal order from a prescriber is a violation of K.S.A. 65-1637 and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(8).

9. Respondent's failure to supply the Board with the requested documentation (S-150 statement) concerning her domestic battery offense is a violation of K.S.A. 65-1627(a)(15) 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.

3/12/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 17th day of March, 2022 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:

Lisa Church
2395 65th St
Mapleton KS 66754



Kansas Board of Pharmacy Staff