

STATE OF KANSAS



BOARD OF PHARMACY
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GOVERNOR JEFF COLYER, M.D.
ALEXANDRA BLASI, J.D., M.B.A., EXECUTIVE SECRETARY

April 27, 2018

MARSHALL CLELAND
417 13TH ST.
WAKEENEY KS 67672

RE: *In the Matter of Marshall Cleland*
Case No. 18-209

Dear Marshall Cleland:

The Kansas State Board of Pharmacy has concluded its audit of continuing education for your recent renewal and determined that you are noncompliant. Please read the enclosed Summary Order in its entirety, which includes assessment of a fine and mandatory additional continuing education. This discipline will be reported to the National Association of Boards of Pharmacy as a continuing education violation.

If you dispute the facts or legal basis for the action and wish to request a hearing regarding this matter, please reference the section titled "Notices" in the Order and promptly take action. Please be aware that if you request a hearing and the Board prevails, you will be required to pay the costs of the hearing.

Please note that when you submit your renewal each year, you certify that you have completed all continuing education necessary to renew your license. Therefore, failure to complete that continuing education constitutes a misrepresentation on your renewal application. The Board takes this matter very seriously. Even though this Summary Order does not mention any misrepresentation, any future violation of the continuing education requirement will include a finding of misrepresentation to the Board.

If you have questions, please email pharmacy.compliance@ks.gov and reference your case number.

Sincerely,

Kansas State Board of Pharmacy

enc: Summary Order

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
the Renewal Application of)	
)	Case No. 18-209
Marshall Cleland)	
Registration No. 14-03061)	
_____)	

SUMMARY ORDER

NOW on April 27, 2018, comes before the Kansas State Board of Pharmacy through its Executive Secretary (hereinafter referred to as the "Board") the matter of the renewal application of Marshall Cleland (hereinafter referred to as "Respondent") to remain registered as a pharmacy technician in the state of Kansas.

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 provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order in the above-captioned matter. After reviewing the renewal materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. On or around 9/21/2017, Respondent submitted a renewal application for Respondent's Kansas pharmacy technician registration.
2. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours.
3. Respondent provided proof of 0 hours of continuing education to renew Respondent's pharmacy technician registration.
4. Respondent was only required to complete 10 continuing education hours since the Board adopted the new continuing education requirements during the biennial registration period.

CONCLUSIONS OF LAW

5. Pursuant 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.

6. Pursuant to K.S.A. 65-1627(a)(9), the Board may deny, revoke, suspend, or place on probation any pharmacist license upon a finding that Respondent failed to comply with the continuing education requirements of the Board for license renewal.

7. Pursuant to K.A.R. 68-5-18, 20 hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period, which must be obtained in the two-year registration period ending on the October 31 expiration date of each registration.

8. Pursuant to K.S.A. 65-1658, in addition to any other penalty imposed by the Pharmacy Practice Act, the Board may assess a civil fine for a violation of K.S.A. 65-1627(a), in an amount not to exceed \$5,000 for each violation.

9. Respondent was required to provide proof of completion of 10 hours of continuing education earned between September 1, 2015 and October 31, 2017.

10. By only providing proof of completion of 0 hours of continuing education, Respondent failed to complete the required 10 hours of continuing education for renewal of Respondent's pharmacy technician registration.

11. The role of the Board is to protect the citizens of Kansas. The Board regards the failure to comply with the continuing education requirements as a serious issue. Given the number of home-study, web-based, and live programs available, achieving the hours required each biennial renewal period cannot be viewed as a burden. Without continued investment in pharmacy education,

the vision of quality pharmacy providers in Kansas will not be met. In order to provide safe, effective, and high quality healthcare for Kansas patients, the practice of pharmacy requires lifelong improvement and education.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board orders the following:

For Respondent's violation of K.S.A. 65-1627(a)(9) and K.A.R. 68-5-18, a fine is assessed in the amount of \$100. **Therefore, Respondent shall submit a check or money order in the amount of \$100 to the Board within 30 days of the date of this Order.**

Furthermore, an additional two hours of continuing education will be required for each hour of missing or falsified continuing education. **Respondent shall complete 20 hours of additional approved continuing education and provide proof of completion to the Board within 60 days of the date of this Order.** Completion of these hours shall not count toward Respondent's next continuing education renewal requirement.

NOTICES

Respondent is hereby notified as follows:

1. 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 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.
2. If a hearing is not requested as described above, the Summary Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within 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 K.S.A. 77-613. 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.

April 27, 2018
Date


Executive Secretary

CERTIFICATE OF SERVICE

I hereby certify that I did, on April 27, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

MARSHALL CLELAND
417 13TH ST.
WAKEENEY KS 67672



Kansas Board of Pharmacy Staff

