

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Marshall Cleland)
 Pharmacy Technician)
 Registration No. 14-03061)

Case No. 18-209

SUMMARY ORDER OF REVOCATION

NOW on this 3 day of January, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Marshall Cleland, Pharmacy Technician ("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

For purposes of this order, the Board's Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-03061 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. On or about April 27, 2018, the Board mailed Respondent a summary order imposing a fine of \$100.00 and 20 hours of continuing education (CE) for failure to complete his required CE during an audited period.

3. On or about May 5, 2018, the Board received Respondent's \$100.00 fine payment.

4. On or about July 23, 2018, the Board mailed Respondent a demand letter for the 20 hours of penalty CE.

5. On or about September 11, 2018, the Board mailed Respondent a final demand letter for the 20 hours of penalty CE.

6. To date, the Board has not received the requested proof of the completion of the 20 hours of penalty CE.

CONCLUSIONS OF LAW

7. 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.

8. That pursuant to K.S.A. 65-1627(a)(9), the licensee has failed to comply with the continuing education requirements of the board for license renewal.

9. That pursuant to K.S.A. 65-1627(a)(16), the licensee has violated or failed to comply with any lawful order or directive of the board.

10. Respondent's failure to complete the required CE is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(9).

11. Respondent's failure to complete the additional CE imposed is a failure to comply with a lawful board order and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(16).

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:

12. 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.

13. If a hearing is not requested as described above, the Order revoking the Respondent's Registration, as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

14. 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.

15. 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.

Date

1/3/19



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of January, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Marshall Cleland
417 13th St
Wakeeny, KS 67672

and the original hand delivered to:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Kansas Board of Pharmacy Staff