

BEFORE THE KANSAS BOARD OF PHARMACY

*In The Matter Of*

MICHAEL CUMMINGS,  
REGISTRATION NO. 14-03773

Case No. 08-74

**AGENCY ORDER**

MICHAEL CUMMINGS (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued him Registration No. 14-03773.

It has come to the attention of the Board's Investigative Member that Respondent diverted drugs from his employer with the intent of reselling them.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following agency order.

**I. FINDINGS OF FACT**

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent Registration No. 14-03773 which entitled him to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. That the Respondent was employed at CVS Pharmacy #8600

In Kansas City, Kansas. While employed the Respondent Hydrocodone 10/325, Hrdrocodone 10/660 mg, Promethazine with Codeine Syrup, and Alprazolam 2mg with the intent to resell them.

## **II. CONCLUSIONS OF LAW AND FACT**

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a registration number 14-03773 on May 9, 2006 pursuant to K.S.A. 65-1663.
2. That pursuant to K.S.A. 65-1663 (f) 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.
3. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1627 (a),(3),(5), & (8).

## **II. ORDER**

Based upon the foregoing findings and conclusions, Respondent's Registration is hereby revoked.

## **III. NOTICES**

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State

Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

1. 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.

2. 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.

3. 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:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231

IT IS SO ORDERED.

8/19/08  
Date

  
Investigation Member  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 21 day of August, 2008, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Michael Cummings  
4117 N. 109th Terr.  
Kansas City, KS 66109

Christina Morris

Christina Morris  
Assistant Director  
Kansas Board of Pharmacy  
900 SW Jackson, Ste. 560  
Topeka, KS 66612-1231