

800 SW Jackson St., Suite 1414  
Topeka, KS 66612



Phone: (785) 296-4056  
Fax: (785) 296-8420  
pharmacy@ks.gov  
www.pharmacy.ks.gov

Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

June 20, 2022

Benjamin Dandurand  
2900 W 93rd Terr  
Leawood KS 66206

RE: Case No. 21-051

Dear Mr. Dandurand:

Enclosed you will find an Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

**BEFORE THE KANSAS BOARD OF PHARMACY**

In the Matter of

Case No. 21-051

**Benjamin C. Dandurand, R.Ph.**

Pharmacist Licensee 1-11143

**FINAL ORDER**

**Decision**

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) that Benjamin C. Dandurand (Dandurand) be released from the suspension placed on his Kansas Pharmacists license. All other terms and conditions remain in place.

**Statement of Case**

On June 2, 2022 the Board of Pharmacy (Board) convened a hearing to review Dandurand's request to have the suspension placed on his Kansas Pharmacist license lifted.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members; Bill Walden, RPh; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Erick Axcell, Pharm D; Andrew Truong, Pharm D; and, Lucinda Noches Talbert, Public Member.

Dandurand appeared on his own behalf, without counsel.

Brenda Head appeared as Disciplinary Counsel for the Board.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

**Evidentiary Rulings**

The Board offered Exhibits 1 through 6 for admission as evidence. Dandurand had no objection to admission of Exhibits 1 through 6. The Board's Exhibits 1 through 6 were admitted.

## Findings of Fact

1. On or about December 7, 2021 Dandurand entered into a Stipulation and Consent Order (Consent Order) with the Board due to conduct by Dandurand involving diversion of prescription medications, including controlled substances, which belonged to a Kansas pharmacy and were ultimately consumed by Dandurand. (Exhibit 1). As part of the Consent Order, Dandurand's Kansas Pharmacist license was suspended for a minimum period of one (1) year. Dandurand was required to maintain one (1) year of clean drug tests before seeking release from the suspension. Dandurand agreed to enter into the Statement of Understanding with the Kansas Pharmacist Recovery Network (KsPRN) and be in full compliance with the KsPRN Statement of Understanding requirements, as well as any other KsPRN requirements, for a period of no less than five (5) years from the date of the Consent Order. Dandurand agreed that upon reinstatement of his Kansas Pharmacist license from suspension, his Kansas license will be placed on probation status during the period of time of his enrollment in KsPRN. Dandurand further agreed he shall never serve as a Pharmacist-in-Charge (PIC) or a Preceptor, will require any pharmacy related employer to acknowledge receipt of the Consent Order, will notify the Board of contact or employment changes within ten (10) days, and notify the Board of criminal arrests and/or charges within ten (10) days

2. On January 27, 2022 the Committee on Impaired Pharmacy Practice (CIPP) met to discuss Dandurand's request that his license be released from suspension. CIPP provided a letter to the Board, dated January 28, 2022, in which the Board was advised that Dandurand had met all requirements and been in full compliance during his time in the KsPRN program. (Exhibit 2). The CIPP recommended that Dandurand's Kansas Pharmacist license be released from suspension under the KsPRN guidelines requiring he work no more than 40 hours per week, not act as a PIC or Preceptor, and comply with the KsPRN Statement of Understanding.

3. Dandurand has been charged criminally on February 9, 2022 in the United States District Court, District of Kansas. Alexandra Blasi (Blasi), Executive Director of the Kansas Board of Pharmacy, testified that her review of the Indictment revealed that the charges stemmed from the activities that led to the December 7, 2021 Consent Order and that it did not involve any new activity by Dandurand.

4. Blasi acknowledged Dandurand had complied with the KsPRN Statement of Understanding and had satisfied the Consent Order requirements for seeking release from the suspension imposed against his Kansas Pharmacist license. Blasi recommended to the Board that Dandurand be released from the suspension, noting that all other conditions of the Consent Order should remain in place.

5. Dandurand provided testimony to the Board. Dandurand testified he is currently employed but not in a pharmacist capacity and does not plan to get back into a dispensing role as a pharmacist.

### Applicable Statutes, Regulations and Policies

“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.”<sup>1</sup>

### Decision

The Board considered Dandurand’s request, finding that he had complied with the provisions of the December 7, 2021 Consent Order necessary for requesting a release from having his Kansas Pharmacist license suspended. Based upon his compliance with the Consent Order, the Board voted 5 in favor and none opposed, with 2 abstentions, to release Dandurand from the suspension imposed on his Kansas Pharmacist license by the Consent Order, subject to the remaining terms, conditions and restrictions set forth in the Consent Order. The Board included a requirement that Dandurand notify the Board of any changes in the current criminal case pending or if any new criminal cases are initiated against him.

Jun 20, 2022

Date

Dr. Jonathan W. Brunswig, PharmD

Dr. Jonathan W. Brunswig, PharmD (Jun 20, 2022 11:56 CDT)

Jonathan Brunswig, PharmD, President  
Kansas Board of Pharmacy

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<sup>1</sup> K.S.A. 65-1663(f)(1).

### Notices

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.<sup>2</sup>
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.<sup>3</sup> Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

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<sup>2</sup> K.S.A. 77-529.

<sup>3</sup> K.S.A. 77-613.

**Certificate of Service**

On June 20, 2022, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Benjamin Dandurand  
2900 W. 93<sup>rd</sup> Terr.  
Leawood, KS 66206

Brenda Head  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244



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Staff Person  
Kansas Board of Pharmacy