

October 28, 2021

CHELSEA DOHERTY  
27416 WAVERLY RD  
PAOLA, KS 66071

RE: Case No. 21-163

Dear Ms. Doherty:

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. In addition, a civil fine has been assessed totaling \$1000. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Chelsea Doherty )  
 )  
License No. 1-15452 )

Case No. 21-163

**SUMMARY ORDER**

NOW, on this 28th day of October 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Chelsea Doherty (“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 in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has previously issued Respondent License No. 1-15452 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. Since May 23, 2019, Respondent has remained the Pharmacist-in-Charge at Auburn Pharmacy in Paola, Kansas (“the Pharmacy of Origin”).
3. On May 5, 2021, the Board received a complaint alleging that Auburn Pharmacy in Louisburg, Kansas (“the Pharmacy of Receipt”) had received a transfer prescription (“the Prescription”) from the Pharmacy of Origin which was originally e-scribed by a prescriber for Seroquel 25mg, but had instead been dispensed as Sertraline 25mg.
4. On June 20, 2021, the Board’s Inspector investigated this allegation.

5. On June 24, 2021, the Board's Inspector submitted a summary of findings and relevant documentation which together outlined, though were not limited to, the following:

- On February 25, 2021, D. Matz was working as a pharmacy technician in the Pharmacy of Origin, though her Kansas Pharmacy Technician Registration had expired on December 5, 2020.
- On February 25, 2021, a prescriber submitted the Prescription for Seroquel to the Pharmacy of Origin.
- On February 25, 2021, D. Matz completed data entry at the Pharmacy of Origin for the Prescription and placed it on hold. Matz erroneously entered the Prescription as Sertraline.
- On February 26, 2021, while working at the Pharmacy of Origin, pharmacist A. Guerricagoitia transferred the erroneous on-hold Prescription to the Pharmacy of Receipt. Guerricagoitia did not complete final verification of the Prescription and its data before making such transfer.
- On February 26, 2021 and March 30, 2021, the Pharmacy of Receipt dispensed the erroneous Prescription based on the detail Guerricagoitia had transferred.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the Pharmacy Act of the State of Kansas or any other rules or regulations of the State Board of Pharmacy.

2. Pursuant to K.A.R. 68-7-12(a), each pharmacist-in-charge shall develop, supervise, and coordinate all pharmaceutical services carried on within the pharmacy to ensure compliance with the Kansas Pharmacy Act and all applicable regulations.

3. Pursuant to K.S.A. 65-1663(i), the supervising pharmacist shall be responsible for determining that the pharmacy technician is in compliance with the applicable rules and regulations of the Board, and for the acts and omissions of the pharmacy technician in the performance of the pharmacy technician's duties.

4. Pursuant to K.S.A. 65-1663(a) It shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the Board as a pharmacy technician.

5. Respondent, as PIC, allowed her pharmacy employee who was no longer registered as a pharmacy technician to perform the duties of a pharmacy technician, and thus failed to ensure the pharmacy technician was in compliance with the applicable rules and regulations of the Board. Such actions constitute Respondent's violation of K.A.R. 68-7-12(a) and her violation of K.S.A. 65-1663(i), and are basis to issue a fine to Respondent per K.S.A. 65-1658.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to **pay a fine of \$1,000** for the violation to the Board within 30 days from the date of this order.

#### 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.

10/28/2021

\_\_\_\_\_  
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28th day of October 2021, 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:

CHELSEA DOHERTY  
27416 WAVERLY RD  
PAOLA, KS 66071



---

Kansas Board of Pharmacy Staff