

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Derek Alan Douglas

Case No. 22-013

Pharmacist Licensee 1-107170

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 Derek Alan Douglas's (Douglas) Pharmacy license be released from the probationary period imposed on February 18, 2022, effective February 22, 2024, and that Douglas be released from the Kansas Pharmacists Recovery Network (KsPRN) program.

Statement of Case

On February 22, 2024, the Board convened a hearing to review Douglas's request to have the probation placed on his Kansas pharmacist license lifted.

Appearing for the Board were: Erick Axcell, Pharm D, Vice President; and members: Jonathan Brunswig, PharmD; Bill Walden, RPh; Tiffany Strohmeier, PharmD; Andrew Truong, Pharm D; and Lucinda Noches Talbert, Public Member. Alexandra Blasi (Blasi), Executive Secretary for the Board, also appeared.

Douglas appeared in person and with Diane L. Bellquist, Attorney.

Brenda Head (Head) appeared as Disciplinary Counsel for the Board.

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

Evidentiary Rulings

Head offered Exhibits 1 through 6 for admission as evidence. Douglas had no objection to admission of Exhibits 1 through 6. Exhibits 1 through 6 were admitted as evidence.

Douglas offered Exhibits A through C for admission as evidence. Head, on behalf of the Board, had no objection to admission of Exhibits A through C. Exhibits A through C were admitted as evidence.

Findings of Fact

1. On February 18, 2022, a Stipulation and Consent Order was issued in which Douglas and the Board agreed that Douglas, who was operating under a Kansas pharmacist intern registration at the time, would be placed on probation for a period of two (2) years. [Exhibit 1]. Douglas was required to enter into a Statement of Understanding with the Kansas Professional Resource Network (KsPRN) and cooperate with the KsPRN recommendations and requirements.¹ Douglas was also required to provide notifications as directed and comply with the Kansas Pharmacy Act, the Board's rules and regulations, and all state and federal laws relating to Kansas pharmacies.

2. On or about August 4, 2022, the Board issued a Summary Order in which Douglas was granted a Kansas pharmacist license to practice pharmacy in the State of Kansas, subject to the two (2) year probationary term that had been imposed by a Stipulation and Consent Order dated February 18, 2022. [Exhibit 3].

3. On February 1, 2024, the Committee on Impaired Pharmacy Practice (CIPP) met to discuss Douglas's request for release from the KsPRN. Caitlin Thompson (Thompson), KsPRN Administrator, provided a letter to the Board, dated February 1, 2024, in which she advised that the CIPP recommended that Douglas be released from the KsPRN program as of March 3, 2024. [Exhibit 5].

4. Douglas provided written and oral testimony to the Board expressing his gratitude for the opportunity. [Exhibit A].

5. Douglas also provided letters from his employer and his therapist. [Exhibits B and C].

6. Blasi acknowledged Douglas had complied with the KsPRN Statement of Understanding and had satisfied the Stipulation and Consent Order requirements for seeking release from the probation imposed against his Kansas pharmacist license. Blasi recommended to the Board that Douglas be released from the probation imposed on his Kansas pharmacist license.

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."²

¹ Douglas entered into a Statement of Understanding with the KsPRN on March 3, 2022. [Exhibit 5].

² K.S.A. 65-1663(f)(1).

Decision

The Board considered Douglas's request, finding that he had fully complied with the provisions of the August 4, 2022, Summary Order.

Based upon his satisfactory completion of the requirements and the recommendation and support of CIPP, a motion was made by Lucinda Noches-Talbert to fully reinstate Douglas's license effective February 22, 2024. The motion was seconded by Jonathan Brunswig.

The Board voted six (6) in favor and zero (0) opposed to fully reinstate Douglas's pharmacist license without any restrictions effective February 22, 2024.

This Final Order becomes effective upon service.

IT IS SO ORDERED.

Feb 23, 2024

Date


Erick Axcell (Feb 23, 2024 12:48 CST)

Erick Axcell, Pharm D, Vice President
Kansas Board of Pharmacy

Notices

1. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.³
2. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.⁴ 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.
3. 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

³ K.S.A. 77-529.

⁴ K.S.A. 77-613.

Certificate of Service

On February 26, 2024, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Derek Alan Douglas
211 N. 4th St.
Sterling, KS 67579

Diane L. Belquist, Attorney
Joseph, Hollander & Craft, LLC
1508 SW Topeka Blvd.
Topeka, KS 66612

Brenda Head
Frieden & 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



Staff Person
Kansas Board of Pharmacy