

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
NOV 03 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
SHARA DURKIN) Case No. 16-153
)
 Pharmacy Technician)
)
Registration No. 14-08703)

SUMMARY ORDER OF REVOCATION

NOW on this 3 day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Shara Durkin, 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 Investigation Member 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 Investigative Member makes the following findings of fact:

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-08703 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. Beginning on or about January 1, 2016, Doug Hynek, Pharmacist in Charge of Key RX Pharmacy and Homecare, discovered that 69 4-oz. bottles of Cheratussin AC cough syrup were dispensed without a prescription.

3. After further investigation, Mr. Hynek concluded that Respondent was responsible for diverting the Cheratussin AC.

4. On or about August 10, 2016, Mr. Hynek met with Respondent, wherein she disclosed that she had been purchasing, not stealing, Cheratussin AC without a valid prescription.

5. She further revealed that, as of the date of the meeting, she possessed four bottles of Cheratussin AC that she had not paid for, as she was waiting for her paycheck the following week to pay for them.

6. As part of the scheme, Respondent stated that she would enter the Cheratussin AC in the point of sale system as an "OTC Item," paying cash, and using the register while other employees were logged in to reduce the traceability of the Cheratussin AC leaving the store.

7. Respondent further revealed that she had started the scheme one to two months after starting employment at Key RX in October 2014.

8. To date, the pharmacy does not know how many bottles of Cheratussin AC Respondent purchased without a prescription or diverted.

CONCLUSIONS OF LAW

9. 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.

10. That pursuant to K.S.A. 65-1627(a)(3), the Board may take action against the license of a pharmacist if the licensee is found guilty of unprofessional conduct or professional incompetency.

11. That pursuant to K.S.A. 65-1626(ccc), unprofessional conduct means unlawful possession of drugs and conduct likely to deceive, defraud, or harm the public.

12. That pursuant to K.S.A. 65-1627(a)(6), the Board may take action against the license of a pharmacist if the licensee is found to have filled a prescription not in strict accordance with the directions of the practitioner or mid-level practitioner.

13. Respondent's actions of purchasing Cheratussin AC without a valid prescription and mislabeling the purchase in the Point of Sale system constitute unlawful possession of drugs.

14. Respondent's role in the pharmacy puts others at risk when she does not conduct herself in full compliance with all laws and policies.

15. Furthermore, Respondent violated K.S.A. 65-1627(a)(6) when she purchased and filled countless prescriptions of Cheratussin AC without a valid prescription from a practitioner.

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:

16. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy,

Matter of Shara Durkin, No. 16-153 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF REVOCATION

Page 3 of 4

800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

17. 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.

18. 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.

19. 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.

November 3, 2016

Date



Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Shara Durkin
834 Atchison St.
Atchison, KS 66002

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