

BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed
MAY 07 2010
KANSAS STATE
Board of Pharmacy

IN THE MATTER OF)
)
TRAVIS J. FYLER)
Registration No. 14-05982)
)
)
_____)

Case No. 10-19

SUMMARY ORDER

On ^{May} ~~April~~ 7, 2010, the Kansas Board of Pharmacy (hereinafter "the Board") entered a Summary Order in the above captioned case.

FINDINGS OF FACT

1. Respondent holds a Kansas pharmacy technician registration and permit, and is subject to the jurisdiction of the Board.
2. At all times relevant herein Respondent was employed as a pharmacy technician at Dillon's Pharmacy, Wichita, Kansas.
3. On or around April 2009 and continuing to March, 2010, Respondent diverted controlled substances from his employer and sold them to 3rd parties. The Respondent admitted diverting the following Schedule 2 controlled substances: 100 tablets of oxycodone HCl 30 mg; 87 tablets of oxycodone/APAP 10/325 mg; and 5 tablets of hydromorphone 2mg. The Respondent also admitted diverting the following Schedule 3, 4, and 5 controlled substances: 18,870 tablets hydrocodone/APAP 10/500mg; 11,045 tablets hydrocodone/APAP 10/325mg; 4,303 tablets Lortab 10/500mg; 2,599

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hydrocodone/APAP 10/650mg; 1,500 tablets hydrocodone BT/Ibuprofen 7.5/200mg; 907 alprazolam 2mg; 800 Valium 10mg; 525 diazepam 10mg; 223 tablets Klonopin 0.5mg; 93 tablets clonazepam 0.5mg; 12,561 mL Tussionex Pennkinetic suspension; and 7,911 mL promethazine with Codeine Syrup.

4. The Respondent also admitted to taking items from the store such as Redbull, deli sandwiches, water, frozen dinners, mixers, and candy bars without paying for them.

CONCLUSIONS OF LAW

1. Respondent's acts of taking possession of the controlled substances and food items as set forth above constitute separate incidents in violation of the Kansas Pharmacy Act, K.S.A. 65-1601 *et seq.*

2. Respondent's violations of the Pharmacy Act are separate incidents of grounds for the suspension or revocation of Respondent's pharmacy technician registration and permit pursuant to K.S.A. 65-1663 (e)(1) and K.S.A. 65-1627(a)(3) and (11).

3. Respondent's acts of taking the controlled substance from the inventory of the pharmacy where he worked and selling them to third parties as set forth above constitutes unprofessional conduct as defined in K.S.A. 65-1626(gg).

ORDER

IT IS THEREFORE ORDERED that Respondent Travis J. Fyler's pharmacy technician registration and permit be hereby revoked.

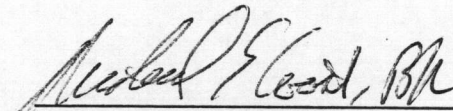
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IT IS SO ORDERED.

KANSAS STATE BOARD OF PHARMACY



Michael E. Coast, R.Ph.
Investigative Member

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, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within **(15) fifteen days** after service of this Order.
2. If a hearing is not requested as described above, the Order revoking the Respondent's registration and permit shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. Within (15) fifteen 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.

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5. The agency officer designated to receive service of a petition for judicial review:

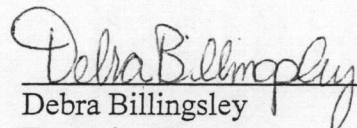
Debra L. Billingsley
Executive Secretary
Kansas State Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **Summary Order** was sent by United States mail, postage prepaid on the 7 day of ~~April~~, 2010
May
to the following persons:

Travis J. Fyler
619 N. Cardington
Wichita, KS 67212

KANSAS BOARD OF PHARMACY


Debra Billingsley
Executive Secretary

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