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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 30, 2022

Amanda Gahagan
4021 Ashley Dr
Chanute KS 66720

RE: Case No. 22-075

Dear Ms. Gahagan:

Enclosed you will find an Emergency 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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of)
) File No. 22-075
AMANDA GAHAGAN, R.Ph.)
LICENSE NO. 1-12809)

EMERGENCY AGENCY ORDER

Amanda Gahagan, R.Ph. (the “Respondent”) is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued her License No. 1-12809.

It has come to the attention of the Board’s Investigation Member that on January 6, 2022, the Board received information indicating that Respondent was terminated from Iola Pharmacy for processing and falsifying prescription records for financial gain. On March 6, 2022, Respondent admitted to her unlawful conduct to the Board in a written statement.

After considering the foregoing, the Board’s Executive Secretary, in accordance with the authority granted to her by the Board pursuant to the Board’s delegation of authority policy which was adopted November 27, 2018 and re-approved October 13, 2021, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

I. FINDINGS OF FACT

For purposes of this order, the Board’s Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-12809, which entitled her to practice pharmacy in the State of Kansas (“Respondent’s License”).
2. At all times relevant hereto, Respondent was employed as a Pharmacist at Iola Pharmacy Clinic #2-10178 (the “Pharmacy”).

3. On January 6, 2022, the Board received information via email about termination of Respondent's employment at the Pharmacy. The notification indicated Respondent's employment was terminated because Respondent processed and signed for receipt of prescriptions to obtain fraudulent receipts to submit to insurance for reimbursement, while never ordering in or picking up the medications. Documents show Respondent was involved in processing and falsifying records of eleven (11) fraudulent prescriptions (Xiidra and Ubrelvy) for herself and family members. Pharmacy records of third-party claims were manually edited after transmission to obtain fraudulent receipts. The drug on hand inventories were edited so that the drugs were not ordered or received by the Pharmacy. Respondent entered the point-of-sale system indicating the prescriptions were signed for when they were not. Respondent allowed a pharmacy technician to create fraudulent phoned-in prescriptions which Respondent filled.

4. On February 2, 2022, Respondent provided a verbal confession to the Pharmacy owner that she committed the acts outlined in paragraph 3.

5. On February 1, 2022, the Board obtained documents confirming Respondent was involved in processing and falsifying records of eleven (11) prescription orders (Xiidra and Ubrelvy) for herself and family members allegedly prescribed by Dr. T.S. and APRN R.F. All prescription orders were submitted to insurance and/or through manufacturer coupons. Pharmacy records of third-party claims were manually edited after transmission. The drug on hand inventories of the Pharmacy were edited so that the drugs were not ordered or received by the Pharmacy. The prescriptions were signed for in the point-of-sale system at the Pharmacy but were never picked up. Three of the prescriptions for a technician's family members were documented to have been received verbally by the technician and not Respondent, a pharmacist.

6. On February 7, 2022, the Board received an email received from the Pharmacy indicating that the Pharmacy owner discussed the aforementioned prescription orders with Dr. T.S., the indicated prescriber, and Dr. T.S. did not remember prescribing any of the prescriptions, and further noted that none of the prescriptions filled as verbal orders were documented in his clinic's electronic medical records system.

7. On February 8, 2022, a written statement was received from Dr. T.S. stating he had no recollection of prescribing Xiidra to Respondent or the other identified patients. He also noted he did not believe he had ever prescribed Xiidra to any patient.

8. On February 8, 2022, a written statement was received from APRN R.F. stating she did not see in her chart a prescription for Ubrelvy for Respondent.

9. On February 10, 2022, the Board obtained documents showing four prescriptions of questionable validity (Nurtec) for the pharmacy technician and her family members were submitted to insurance and/or through manufacturer coupons. The Pharmacy records of the third-party claims were manually edited after transmission. The drug on hand inventories of the Pharmacy were edited so that the drugs were not ordered or received by the Pharmacy. The prescriptions were signed for in the point-of-sale system by the Respondent at the Pharmacy but were never picked up.

10. On February 10, 2022, the Board received copies of receipts showing that of the thirteen (13) prescriptions in question, three of the receipts have a different patient pay amount than that which was billed in the point-of-sale system.

11. A licensed pharmacist who fraudulently fills prescriptions poses a serious health risk to that individual and constitutes an imminent danger to the public health and safety.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Executive Secretary makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627 (a)(3), as defined by K.S.A. 65-1626(vvv)(4), (7) and (10), and K.S.A. 65-1627(a)(11).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Pursuant to K.S.A. 77-536(e), the Board shall proceed as quickly as feasible to complete any proceeding necessary to discipline Respondent and issue of a Notice of Hearing for the same.

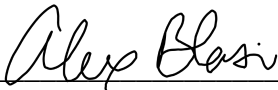
Within fifteen (15) days after service of a Final Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a Final Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

3/30/2022
Date



ALEXANDRA BLASI, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30th day of March, 2022, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Amanda Gahagan
4021 Ashley Dr.
Chanute, KS 66720



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