

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
DEC 22 2014
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
DAMON F. GARDNER) Case No. 14-116
)
) *Pharmacy Technician*)
)
Registration No. 14-03457)

SUMMARY ORDER OF REVOCATION

NOW on this 22 day of December, 2014, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Damon F. Gardner, 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 Procedures 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. On March 20, 2006, the Board has issued Respondent Pharmacy Technician Registration Number 14-03457 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. On October 31, 2014, Respondent was working as a pharmacy technician in the pharmacy at Children's Mercy South Hospital at 5808 West 110th Street, Overland Park, Kansas 66211 ("Children's Mercy").

Matter of Damon F. Gardner, No. 14-116 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF REVOCATION

3. On October 31, 2014, the Respondent was found passed out in a chair in the Children's Mercy pharmacy having self-administered isoflurane belonging the Children's Mercy and for which Respondent did not have a valid prescription.

CONCLUSIONS OF LAW

4. 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.

5. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

6. That K.S.A. 65-1626 (ccc)(5) defines unprofessional conduct to include the unlawful possession of drugs.

7. The Respondent's taking and self-administering isoflurane that belonged to Children's Mercy and for which Respondent did not have a valid prescription constitute the unlawful possession of a drug and therefore a basis to revoke Respondent's Registration.

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:

8. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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.

9. 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.

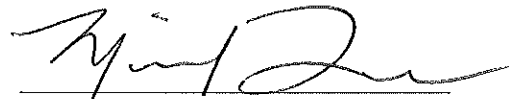
10. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

11. 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:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

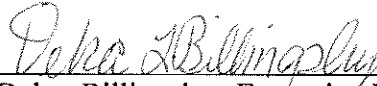
12-11-14
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of December, 2014, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Damon F. Gardner
420 North 17th Street
Kansas City, KS 66102



Debra Billingsley, Executive Director
Kansas Board of Pharmacy