

Filed By

AUG 31 2018

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
ADRIAN GONZALEZ)
)
Pharmacy Technician)
)
Registration No. 14-104403)

Case No. 18-124

SUMMARY ORDER OF REVOCATION

NOW on this 31 day of August, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Adrian Gonzales, 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 Executive Secretary 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 Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-104403 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. On April 16, 2018, a Board Inspector received a phone call from the Pharmacist in Charge (PIC) at the Pratt Walmart Pharmacy, informing that Respondent had texted her over

the weekend and told her he had been arrested for possession of a grinder with marijuana residue, transporting an open container of alcohol, and no proof of vehicle liability insurance.

3. On April 18, 2018, the Board Inspector met with the PIC of the Pratt Walmart Pharmacy, where the PIC showed the Board Inspector the text message sent by Respondent.

4. The Board has since received the complaint filed against Respondent on June 13, 2018 by the Barber County Attorney, alleging the following counts occurring on April 13, 2018:

- Count 1: Unlawful Possession of a Controlled Substance (Amphetamine, Schedule II controlled substance), a drug severity level 5 felony;
- Count 2: Interference with Law Enforcement – Obstruction of Official Duty, a class A nonperson misdemeanor;
- Count 3: Unlawful Possession of Marijuana, a class B nonperson misdemeanor;
- Count 4: Possession of Drug Paraphernalia, a class B nonperson misdemeanor;
- Count 5: No proof of insurance, a class B nonperson misdemeanor;
- Count 6: Transportation of Liquor in an Open Container, an unclassified misdemeanor.

CONCLUSIONS OF LAW

5. 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.

6. That pursuant to K.S.A. 65-1627 (a)(3), the Board may take action against the license of a pharmacist who has been found by the board to be guilty of unprofessional conduct.

7. Pursuant to K.S.A. 65-1626(ttt), unprofessional conduct includes both unlawful possession of drugs and conduct likely to harm the public.

8. Respondent's arrest for possession of a controlled substance and possession of marijuana is unprofessional conduct and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

9. Respondent's arrest for Counts 1-6 is conduct likely to harm the public in the pharmacy setting and is unprofessional conduct and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

10. Respondent's recent disregard for the law, particularly related to controlled substances and illegal drugs, is a danger to the public in the pharmacy setting where technicians have access to controlled substances, and is 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:

11. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure 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.

12. 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.

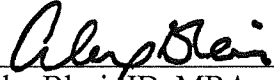
13. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

14. 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.

8/30/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of August, 2018, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Adrian Gonzales
202 N Liff
Medicine Lodge, KS 67104

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