

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of
April Green
Pharmacy Technician

Case No. 18-503

**NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER**

The above-captioned matter comes on for consideration by the Kansas State Board of Pharmacy (Board) to enter a Proposed Default Order.

The Board finds:

1. On August 14, 2018, the Board issued a Summary Order of Revocation with regard to April Green's pharmacy technician registration.
2. On August 30, 2018, Ms. Green requested an administrative hearing.
3. On November 16, 2018 a Notice of Administrative Proceeding was served on Ms. Green, setting the hearing in this matter for November 27, 2018 at 10:00 a.m.
4. The notice specifically provided that "[a]ny party who fails to attend or participate in the hearing or in any other portion of the adjudicative process may be held in default pursuant to K.S.A. 77-520 and the Board may conduct further proceedings necessary for adjudication without the participation of the Respondent."
5. The hearing in this matter was convened on November 27, 2018 at 10:00 a.m. Ms. Green did not appear.
6. Ms. Green is in default pursuant to K.S.A. 77-520.
7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless Ms. Green files a written motion with the Board at the address provided stating why the Proposed Default Order should be vacated and the order is then vacated.

8. If this Proposed Default Order becomes effective, Ms. Green's registration as a Kansas pharmacy technician shall be revoked.
9. If the Proposed Default Order becomes effective, Ms. Green may petition for review by the Board within fifteen days thereafter. Failure to timely petition for review by the Board may preclude judicial review.
10. If this Proposed Default Order becomes effective and neither party requests further administrative review, it shall become a Final Order.
11. If this Proposed Default Order becomes a Final Order, any petition for judicial review must be filed within the deadline established in K.S.A. 77-613. Any petition for judicial review must be mailed or personally delivered to: Alexandra Blasi, Executive Secretary, Kansas State Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, Kansas 66612.

The Board, being well and duly advised in the premises, now enters this Proposed Default Order against Ms. Green. It shall take effect as specified in the above findings.

12/11/18
Date

Alex Blasi
Alexandra Blasi, Executive Secretary
Kansas Board of Pharmacy

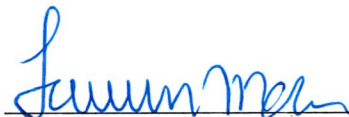
CERTIFICATE OF SERVICE

On December 11, 2018, I mailed a copy of this document to:

April Green
8343 Leavenworth Rd – Apt 7
Kansas City, KS 66109

Randall J. Forbes
Frieden & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612-1244



Staff Person

Filed

AUG 14 2018

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
April Green)
 Pharmacy Technician)
Registration No. 14-17927)

Case No. 18-503

SUMMARY ORDER OF REVOCATION

NOW on this 14 day of August, 2018 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of April Green, 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 issued Respondent Pharmacy Technician Registration Number 14-17927, authorizing her to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On or about June 27, 2018, the Board received an email from Respondent’s employer, OptumRx, notifying the Board that OptumRx had terminated Respondent’s employment due to a violation of the UHG Alcohol and Drugs in the Workplace Policy.

Matter of April Green, No. 18-503 (Kan. Board. of Pharmacy)

SUMMARY ORDER OF REVOCATION

3. On June 29, 2018, the Board sent OptumRx a Subpoena Duces Tecum for documents relating to April Green's UHG Alcohol and Drugs in the Workplace Policy violation.

4. On July 26, 2018, the Board received the requested records from OptumRx, including a Controlled Substance Test Report indicating Respondent tested positive for marijuana.

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

7. Pursuant to K.S.A. 65-1626(ttt), unprofessional conduct means conduct likely to deceive or harm the public.

8. Pursuant to K.S.A. 65-1627(a)(5), the Board may take action against the license of a pharmacist who has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

9. Respondent's recent positive drug test for marijuana is unprofessional conduct and a danger to the public in the pharmacy setting and is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

10. Respondent's recent positive drug test for marijuana is a violation of the uniform controlled substances act of the state of Kansas, and is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(5).

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.

8/14/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14 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:

April Green
8343 Leavenworth Rd – Apt 7
Kansas City, KS 66109



Kansas Board of Pharmacy Staff