

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of)
Starla Ann Hall, for a) KBOP DOCKET No. 14-098
Pharmacy Technician Registration.)
_____)

SUMMARY ORDER

NOW this 5 day of September, 2014, the above captioned matter comes before the Kansas State Board of Pharmacy (hereinafter referred to as “Board”) on the application of Starla Ann Hall (hereinafter referred to as “Respondent”) for a Pharmacy Technician Registration. Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, the Board’s Investigative Member after reviewing the evidence and being otherwise duly advised in the premises and in accordance with the authority granted to him by the Board enters the following Summary Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a resident of Kansas with a last known mailing address of 1119 Milcon St., Hutchinson, Kansas 67501.
2. The Board has the authority to grant Respondent a Pharmacy Technician Registration.
3. On February 18, 2014, Respondent applied for a Pharmacy Technician Registration with the Board.
4. Part IV of the application for Pharmacy Technician Registration (“Application”) asks: “Have you ever been found in any civil, administrative, or criminal proceeding to have:
(a) Possessed, used, or distributed controlled substances or prescription drugs in any way other than for legitimate or therapeutic purposes; (b) Diverted controlled substances or

prescription drugs; (c) Violated any state, federal or local drug law; (d) Dispensed controlled substances for yourself; (e) Violated any state or federal law or rule regulating a health care profession?"

5. Respondent responded "YES."

6. Part IV of the application for Pharmacy Technician Registration ("Application") asks: "Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed, suspended, diverted, or expunged?"

7. Respondent responded "YES."

8. Part IV of the application for Pharmacy Technician Registration ("Application") asks: "Have you been treated for a drug or alcohol addiction or participated in a rehabilitation program in the last 5 years?"

9. Respondent responded, "YES."

10. On October 15, 2010, Respondent was convicted in Reno County District Court 27th Judicial District Case Number 2010 CR 628 with one non-person felony count of possession opiates, opium, narcotic drug and certain stimulants in violation of K.S.A. 21-36a06; one misdemeanor count of possession of certain hallucinogenic drugs in violation of K.S.A. 21-36a06 (b)(3); one count of possession of paraphernalia to cultivate less than 5 plants in violation of K.S.A. 21-36a09 (b)(1); one felony count of cultivate/distribute with intent opiates, opium, narcotic drug and certain stimulants in violation of K.S.A. 21-36a05 (a)(1); one count of felony Drugs; No drug tax stamp for marijuana or controlled substance in violation of K.S.A. 79-5204; and one felony count of possession

with intent paraphernalia to cultivate controlled substances in violation of K.S.A. 21-36a09(b)(1).

11. On October 15, 2010, Respondent was convicted in Reno County District Court 27th Judicial District Case Number 2010 CR 715 with one felony count of possession opiates/opium/narcotic drug and certain stimulants.
12. Pursuant to K.S.A. § 65-1663(e)(1), 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.
13. Pursuant to K.S.A. 65-1627 (a) the Board may revoke, suspend, place in probationary status or deny an application for a pharmacist license upon a finding that: (a)(2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust; and
14. Pursuant to K.S.A. 65-1627 (a) the Board may revoke, suspend, place in probationary status or deny an application for a pharmacist license upon a finding that: (a)(3) that; the licensee is found by the board to be guilty of unprofessional conduct;
15. Pursuant to K.S.A. 65-1627 (a) (5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substance act of the state of Kansas, or any rule and regulation adopted under such act;
16. Pursuant to 21 CFR 1301.92 it is the position of the Drug Enforcement Administration that employees who possess, sell, use or divert controlled substances will subject themselves not only to State or Federal prosecution for any illicit activity, but shall also immediately become the subject of independent action regarding their continued

employment. The employer will assess the seriousness of the employee's violation, the position of responsibility held by the employee, past record of employment, etc., in determining whether to suspend, transfer, terminate or take other action against the employee.

17. Pursuant to 21 CFR 1301.76 a pharmacy shall not employ as an agent or employee who has access to controlled substances, any person who has been convicted of a felony offense relating to controlled substances or who, at any time, had an application for registration with the DEA denied..."

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Board's Investigative Member hereby enters the following order:

Respondent is hereby denied a pharmacy technician registration.

IT IS SO ORDERED.

9/5/14
Date

Michael Lonergan by AB
Michael Lonergan, R.Ph.
Investigative Member

NOTICES

Respondent is hereby notified as follows:

1. 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.

2. If a hearing is not requested as described above, the Summary Order shall become a final order of the Board.

3. 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.

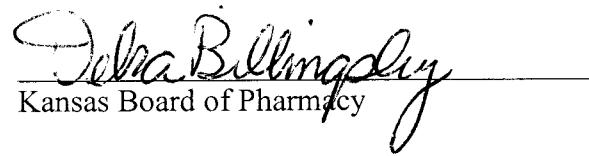
4. Within the time limits established in K.S.A. § 77-613, either party may seek judicial review of a final agency order, pursuant to § 77-613. The agency officer designated to receive service of a petition for judicial review is:

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 5 day of September, 2014, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Starla Hall
1119 Milcon St.
Hutchinson, KS 67501


Kansas Board of Pharmacy