

In the Matter of
Maniga Haney
Technician Application 14-03801

Case No. 19-427A

**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 October 4, 2019, the Board issued a Summary Order regarding Maniga Haney's Kansas pharmacist technician registration application.
2. On October 21, 2019, Ms. Haney requested an administrative hearing.
3. On November 15, 2019, a Notice of Administrative Hearing was served on Ms. Haney, setting the hearing in this matter for December 2, 2019 at 9:30 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 December 2, 2019 at 9:30 a.m. Ms. Haney did not appear.
6. Ms. Haney 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. Haney 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, the Summary Order issued on October 4, 2019 shall be considered a Final Order of the Board.
9. If the Proposed Default Order becomes effective, Ms. Haney 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. Haney. It shall take effect as specified in the above findings.

12/4/19
Date

Alexandra Blasi
Alexandra Blasi, Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11th day of December, 2019, deposit in business mail a copy of the foregoing Notice of Proposed Default Order and Proposed Default Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Maniga Haney
6572 W 91st St, Apt 178
Overland Park, KS 66212

and a copy hand delivered to the Board file at:

Kansas Board of Pharmacy
Attn: Alexandra Blasi
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Staff Person

Filed By

OCT 4 2019

KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Maniga Haney)
)
Registration No. 14-03801)

Case No. 19-427A

SUMMARY ORDER

NOW, on this ___ day of October 2019, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Maniga Haney, (“Applicant”), for her application for reinstatement after revocation of her registration as a Kansas pharmacy technician.

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 in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has previously issued Applicant Pharmacy Technician Registration Number 14-03801 authorizing Applicant to perform the functions of a pharmacy technician in the State of Kansas (“Applicant’s Registration”).

2. On May 16, 2018, the Board revoked Applicant’s registration, due to her failure to respond to Board requests that she provide proof of continuing education hours for her registration renewal.

3. On August 28, 2019 the Board received Applicant's Form LA-75 Technician Certification Extension Request ("Applicant's Request") detailing a request to extend her deadline to pass a national certification examination required for technician renewal.

4. Due to the May 16, 2018 revocation of Applicant's registration, Applicant's Request was deemed irrelevant, but taken by the Board as an implication that Applicant was still performing the duties of a pharmacy technician.

5. The Board's inspector subsequently conducted an investigation to confirm whether this implication was fact.

6. During investigation on August 29, 2019, the inspector brought Applicant's revoked registration to the attention of Applicant's Pharmacist in Charge (1-12300), who had no prior knowledge of such. Applicant was then suspended from employment.

7. On September 6, 2019, the Board's inspector reported to the Board that Applicant had begun employment on July 5, 2016, as a pharmacy technician for Price Chopper Pharmacy #121 (2-09398). Applicant had, despite her registration revocation, continued this such employment until the August 29, 2019 suspension by her Pharmacist in Charge.

8. On September 10, 2019, the Board received Applicant's application for reinstatement of her pharmacy technician registration in the State of Kansas ("Applicant's Application").

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663(a), it shall be unlawful for any person to function as a pharmacy technician in the state of Kansas unless such person is registered with the Board as a pharmacy technician.

2. Pursuant to K.S.A. 65-1663(f)(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.

3. Pursuant to K.S.A. 65-1627f, the registrant shall not engage in the activity authorized by such registration after a registration is revoked. If such registration is revoked, such revocation shall be for all time, except that at any time after the expiration of one year, application may be made for reinstatement of any registrant whose registration shall have been revoked.

4. The Inspector's investigative report indicated Applicant had functioned as a pharmacy technician registrant in the state of Kansas after her May 2018 registration revocation, and prior to any Board approval of her September 10, 2019 application for reinstatement of such registration.

5. Applicant's continuation of practice under a revoked license is a violation of K.S.A. 65-1627f, and therefore a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1663(f)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for reinstatement of pharmacy technician registration shall be GRANTED upon receipt of proof of successful completion of an approved pharmacy technician certification exam, in accordance with K.A.R. 68-5-17. The Board further orders that Applicant's pharmacy technician registration, once issued, shall be placed on probation

for a period of one year from the effective date of Applicant's pharmacy technician registration subject to the following conditions:

- Applicant must provide to the Board proof of successful completion of 6 hours of ACPE-accredited continuing education, to be completed within this 1-year probationary period, none of which may count toward Applicant's technician renewal;
- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Applicant is hereby notified as follows:

1. Applicant 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.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
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.

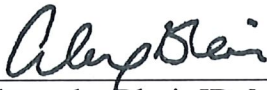
4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

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

IT IS SO ORDERED.

Date

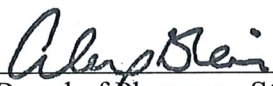
10/21/19


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of October 2019, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

MANIGA HANEY
6572 W 91ST ST, APT 178
OVERLAND PARK, KS 66212



Kansas Board of Pharmacy Staff