

BEFORE THE KANSAS BOARD OF PHARMACY

KANSAS BOARD OF PHARMACY,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 17-171
KIRSTY C. HARTLEY, R.PH.)	
Kansas License No. 1-16680)	
)	
Defendant.)	
_____)	

EMERGENCY AGENCY ORDER

Kirsty C. Hartley, R.Ph. (the “Respondent”) is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued her License No. 1-09507.

The following matters have come to the attention of the Board’s Investigation Member:

A. For a period of several years continuing through July 26, 2017, Respondent served as a pharmacist and the pharmacist-in-charge of the CVS Pharmacy located at 681 South Ohio Street, Salina, Kansas (the “Pharmacy”).

B. On July 26, 2017 Respondent was interviewed by a CVS Loss Prevention Officer and a CVS Pharmacy Supervisor. During that interview the Respondent voluntarily signed a written statement (the “Statement”).

C. In the Statement, Respondent admitted that from sometime in 2015 through July 26, 2017 she had repeatedly created fraudulent prescriptions, using the names of patients and her husband, so that she could divert controlled substances from the Pharmacy.

D. In the Statement, Respondent estimated that through the use of fraudulent prescriptions she had diverted the following quantity of controlled substances:

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- a. 2400 tablets of Alprazolam 1mg,
- b. 1200 - 3000 tablets of zolpidem 10 mg,
- c. 1200 - 2,400 tablets of hydrocodone 7.5/325mg,
- d. 6,000 - 14,400 tablets of hydrocodone 10/325mg.

E. In the Statement, Respondent indicated that she personally used some of the hydrocodone, but the majority of the controlled substances were given to her current husband. Respondent admitted she knew her husband was both selling the drugs and using them himself. Respondent admitted that she knew her conduct violated Kansas and Federal laws.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627 (c).

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-16680, which entitled her to practice pharmacy in the State of Kansas ("Respondent's License").
2. On multiple occasions the Respondent falsified prescriptions for the purpose of obtaining and diverting controlled substances from her pharmacy employer. Respondent admitted that she consumed some of the diverted controlled substances and gave the majority of them to her current husband. Respondent admitted she knew her husband was both selling the drugs and using them himself.
3. The Respondent has admitted she knew her actions were illegal.
4. The Respondent is likely to repeat this conduct in the future.

5. Providing controlled substances to an individual who does not have a prescription for the drug and intends to sell them illegally poses a serious health risk to that individual and other individuals in the public who may come into possession of the drugs.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627 (a)(3), [as defined by K.S.A. 65-1626 (hhh)(3), (ttt)(4) and (ttt)(5)] and K.S.A. 65-1627 (a)(4), (5) and (13).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627 (c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

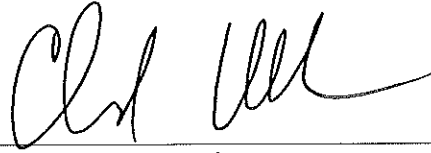
Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, JD, MBA
Executive Director
KANSAS BOARD OF PHARMACY
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

9/8/17

Date



CHAD ULLOM, R.Ph.,
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 8 day of September, 2017, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Kirsty C. Hartley, R.Ph.
2051 Corsaut Court
Salina, KS 67401



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