

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of }
 }
Justin Hutmacher, }
Registration No. 14-09084 }
_____ }

Case No.: 10-104

SUMMARY ORDER

Justin Hutmacher (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued him Registration No. 14-09084.

It has come to the attention of the Board's Investigative Member that Respondent unlawfully diverted 1500 tablet of hydrocodone 10/325; 70 tablets of Cialis 20 mg; 30 tablets of of Viagra 100 mg and 20 tablets of levitra 20 mg from CVS?Pharmacy #05257, Olathe, Kansas.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to her by the Board, enter the following Summary Order.

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 Registration No. 14-09084 which entitled him to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. That on or around November 4, 2010 the Respondent admitted to diversion of 1500 tablet of hydrocodone 10/325; 70 tablets of Cialis 20 mg; 30 tablets of of Viagra 100 mg and 20 tablets of levitra 20 mg after the employer, CVS?Prarmacy #05257, noticed the loss.

CONCLUSIONS OF LAW AND FACT

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

1. That the Respondent was originally issued a registration number 14-09084 pursuant to K.S.A. 65-1663.
2. That 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.
3. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).
4. That K.S.A. 65-1626d(hh)(5) defines unprofessional conduct as unlawful possession of drugs and unlawful diversion of drugs.
5. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

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:


1. The 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 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.
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:

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

IT IS SO ORDERED.

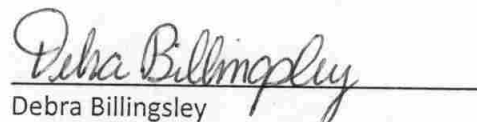
1/24/11
Date


Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24 day of January, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Justin Hutmacher
16241 W. 156th St.
Olathe, KS 66062


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