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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

March 20, 2023

Mary Jancich
PO Box 539
Basehor KS 66007

RE: Case No. 22-244

Dear Ms. Jancich:

Enclosed you will find a Final Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

In addition, the Board has determined that referral to the Kansas Pharmacist Recovery Network is necessary to assist in getting you services or other evaluations for determination of your current and future fitness to practice pharmacy. The KsPRN program will reach out to you with additional information.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Mary K. Jancich, R.PH.,

Case No. 22-244

Kansas Pharmacy License No.: 1-10638

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) to affirm the Petition to Revoke, Suspend or Otherwise Limit Licensure Order of Suspension dated January 4, 2023, under the terms and conditions set forth hereinbelow.

Statement of Case

This matter comes on for hearing on February 23, 2023, before the Board upon the Notice of Administrative Hearing issued by the Board to review the Petition to Revoke, Suspend, or Otherwise Limit Licensure of Mary K. Jancich (Jancich) issued on January 4, 2023.

Terica Gatewood, PharmD, President (by video conference); and members, Bill Walden, R.Ph; Jonathan Brunswig, PharmD; Tiffany Strohmeier, PharmD; Erick Axcell, PharmD and, Lucinda Noches Talbert, Public Member.¹

Brenda Head appeared as the Board's disciplinary counsel. Also appearing and providing testimony was Alexandra Blasi (Blasi), Executive Secretary for the Board.

Jancich appeared in person, without an attorney counsel, and provided testimony.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Evidentiary Rulings

The Board offered Exhibits 1 through 19 for admission as evidence. Board's Exhibits 1 through 19 were admitted. Exhibit 12 was admitted under seal due to the confidential information contained therein.

¹ As the Investigation Member, Terica Gatewood abstained from the deliberations and decision.

Findings of Fact

1. Jancich was issued license number 1-10638 by the Board on June 29, 1983 entitling her to practice pharmacy in the State of Kansas.
2. On multiple occasions in calendar year 2022 Jancich contacted the Board discussing strange, incoherent and irrelevant matters. Jancich would appear at the Board office without first scheduling an appointment and would display concerning behavior.
3. On September 19, 2022 the Board sent a letter to Jancich instructing Jancich to follow the guidelines that had been established by the Board, namely to schedule an appointment rather than showing up unannounced. (Exhibit 1). In response Jancich sent an incoherent letter. This raised additional concerns by the Board as to the wellbeing and safety of the patients served by Jancich as a Pharmacist. (Exhibit 2).
4. Concluding that Jancich's "strange, incoherent and concerning behavior" posed a "serious health risk to the public health and safety or welfare of individuals who she serves in her employment as a licensed Pharmacist", the Board issued an Emergency Agency Order on October 14, 2022 suspending Jancich's license to practice Pharmacy in the State of Kansas until further order of the Board. (Exhibit 3).
5. Jancich did not file a petition to reconsider the Emergency Agency Order nor did she seek judicial review of the Emergency Agency Order.
6. Between October 25 and November 4, 2022, Jancich sent a series of emails to the Board. (Exhibits 4 through 7). The emails received discussed the same strange, incoherent and irrelevant matters.
7. A mental health evaluation was conducted of Jancich by Clinical Associates. A report was prepared on November 22, 2022 and forwarded to the Board on November 30, 2022. (Exhibit 12, under seal).
8. On January 4, 2023, disciplinary counsel for the Board issued a Petition to Revoke, Suspend, or Otherwise Limit Licensure against Jancich. (Exhibit 15). It was alleged that Jancich had engaged in a pattern of pharmacy practice and behavior demonstrating a manifest incapacity and incompetence to practice pharmacy, was mentally or physically incapacitated to such a degree to render her unfit to practice the profession of pharmacy, and had failed to comply with a lawful order or directive of the Board.
9. On January 9, 2023 the Board received two (2) letters from Jancich. (Exhibits 17 and 18). The letters received discussed the same strange, incoherent and irrelevant matters.

Applicable Statutes, Regulations and Policies

“The board may revoke, suspend, place in probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;... (7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;... or (16) the licensee has violated or failed to comply with any lawful order or directive of the board...”²

For purposes of these proceedings, unprofessional conduct is defined as: “(7) conduct likely to deceive, defraud or harm the public.”³

For purposes of these proceedings, professional incompetency is defined as “(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or (3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.”⁴

The Board took into consideration the multiple writings by Jancich, as well as the testimony that was provided by Jancich during the hearing. Based upon a review of the materials and the testimony, the Board questioned Jancich’s fitness to practice as a Pharmacist.

Decision

The Board voted six (6) in favor, none opposed to suspend Jancich’s Pharmacist license indefinitely. Jancich is required to enroll with the Kansas Pharmacists Association Kansas Pharmacists Recovery Network (KsPRN) and complete an evaluation of mental fitness to practice Pharmacy. All communication with the Board shall be limited to matters relevant to her Pharmacist license and shall be in writing and directed to the Executive Secretary of the Board. Jancich shall keep the Board updated with her address and contact information. The suspension shall remain in place until the KsPRN and the Board recommends that Jancich is fit to practice Pharmacy.

IT IS SO ORDERED.

Mar 19, 2023

Date

Terica Gatewood

Terica Gatewood (Mar 19, 2023 21:03 CDT)

Terica Gatewood, PharmD, President
Kansas Board of Pharmacy

² K.S.A. 65-1627(a).

³ K.S.A. 65-1626(uuu).

⁴ K.S.A. 65-1626(III).

Notices

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.⁵
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.⁶ Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

⁵ K.S.A. 77-529.

⁶ K.S.A. 77-613.

Certificate of Service

On March 20, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Mary Jancich
P.O. Box 539
Basehor, KS 66077

Brenda Head
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy