

February 24, 2022

Brittney Johnson
418 S Parke St
Pratt KS 67124

RE: Case No. 22-022

Dear Ms. Johnson:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$500. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

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)
)
Brittney Johnson)
)
License No. 1-100589)

Case No. 22-022

SUMMARY ORDER

NOW on this 24th day of February, 2022 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Brittney Johnson (“Respondent”).

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 investigation 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 Respondent License No. 1-100589 which entitles Respondent to practice as a pharmacist in the State of Kansas.
2. On December 24, 2021, Respondent was working as the sole, supervising pharmacist at Dillons Pharmacy #23 (“the Pharmacy”), pharmacy registration number 2-09146. Respondent opened the Pharmacy at the beginning of her shift and was supervising Christina Jellison, pharmacy technician registration number 14-07436, and Lynn Pinion, pharmacy technician registration number 24-114910 (“the Technicians”).
3. Respondent reported feeling ill and closed the Pharmacy security gate to the public.

4. At approximately 9:32am, Respondent left the Pharmacy but the Technicians remained inside the Pharmacy. The Technicians continued to perform pharmacy technician duties, including putting the drug order away.

5. At approximately 10:17am, the Technicians exited the Pharmacy to sit in the waiting area outside the security gate.

6. At approximately 10:28am, Ms. Pinion reentered the Pharmacy to retrieve personal belongings.

7. At approximately 10:50am, the pharmacist-in-charge arrived to reopen the Pharmacy.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. Pursuant to K.S.A. 65-1637c(b), when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured.

3. Pursuant to K.S.A. 65-1663(i), a pharmacy technician shall work under the direct supervision and control of a pharmacist. It shall be the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board, and the supervising pharmacist shall be responsible for the acts and omissions of the pharmacy technician in the performance of the pharmacy technician's duties.

4. Respondent departed the Pharmacy due to illness and closed the Pharmacy to the public by securing the security gate, but allowed the Technicians to remain in the Pharmacy in her absence.

5. At all time relevant hereto, Respondent was the sole pharmacist present at the Pharmacy and was the sole supervising pharmacist for the Technicians.

6. The Technicians continued to perform pharmacy technician duties without the presence or direct supervision of Respondent.

7. Respondent violated K.S.A. 65-1637c by failing to enclose and secure the Pharmacy when she left due to illness.

8. Respondent violated K.S.A. 65-1663 by failing to providing direct supervision to the Technicians and allowing them to remain in the Pharmacy in her absence and perform pharmacy technician duties without direct supervision.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board in the amount of \$500. Respondent has 30 days from the date of this order to pay the fine.

NOTICES

The Respondent is hereby notified as follows:

1. The Respondent 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
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

2/24/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of February, 2022 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:

Brittney Johnson
418 S Parke St
Pratt KS 67124



Kansas Board of Pharmacy Staff