

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Melissa Jones)
14-01116)
_____)

Case No. 18-533A

SUMMARY ORDER

NOW on this 31 day of August, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Melissa Jones, ("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 application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order.

FINDINGS OF FACT

For purposes of this order, the Board's Executive Secretary makes the following findings of fact:

1. On July 25, 2018, a Board Inspector conducted a routine inspection of Walgreens #6113.
2. During the inspection, the Board Inspector noticed the technician registration card belonging to Respondent showed an expiration of October 31, 2014.
3. The Board Inspector spoke to Respondent during the inspection and asked her to post the current registration. Respondent stated that she would not post the registration with the address on the registration.

4. After Respondent informed the Board Inspector that she would not post the registration with the address listed on it, the Board Inspector informed Respondent that she could cover the address up like other technicians had done, but Respondent again stated that she would not post it. The Board Inspector then informed Respondent that she would be in violation of the regulations stating the registration card must be posted in the area where the technician is working.

5. Respondent's registration was last renewed on November 1, 2016 and should have been posted by November 1, 2016.

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. 65-1663(j), every registered pharmacy technician shall display the current registration in that part of the place of business in which such person is engaged in pharmacy technician activities.

3. Respondent's failure to post her updated registration between November 1, 2016, the day she was required to have it posted, and July 25, 2018, the date of the inspection, means that at the time of the inspection, Respondent had been in violation of K.S.A. 65-1663(j) for 631 days.

4. Respondent's violation of K.S.A. 65-1663(j) is a basis to fine Respondent pursuant to K.S.A. 65-1658.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board. Respondent is ordered to pay a base fine of \$50.00 plus \$1.00/day up until the day documented. Because Respondent was in violation of K.S.A. 65-1663(j) for 631 days to the day documented, or July 25, 2018, the fine accrued an additional \$631.00. Respondent has 30 days from the date of this order to pay the full \$681.00.

NOTICES

Applicant is hereby notified as follows:

5. 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.

6. If a hearing is not requested as described above, the Order denying Applicant'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.

7. 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.

8. 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.


8/30/18
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of August, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Melissa Jones
7709 E Clay
Wichita, KS 67207



Kansas Board of Pharmacy Staff