

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Melanie Latuch)
Pharmacy Technician)
Registration No. 14-100120)

Case No. 16-182

Filed By
JAN 06 2017
KANSAS STATE
BOARD OF PHARMACY

SUMMARY ORDER OF REVOCATION

NOW on this 6 day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Melanie Latuch, Pharmacy Technician ("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 of Revocation in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Investigation member makes the following findings, conclusions and order:

FINDINGS OF FACT

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

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-100120 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On October 3, 2016, the Board received a notification from Optum Rx Pharmacist in Charge Alex Knoeferl stating that Respondent's employment had been terminated due to a failed drug test.

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3. On September 15, 2016, Respondent tested positive for marijuana during a random employee drug screening.

4. As a result of the positive test result, Respondent violated the United Health Groups Alcohol and Drugs in the Workplace Policy in place at Optum Rx.

CONCLUSIONS OF LAW

5. That pursuant to K.S.A. 65-1663 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.

6. That the Board may take action against the license of a pharmacist for self-administering any controlled substance without a prescription as set forth in K.S.A. 65-1627(a)(13).

7. 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).

8. That K.S.A. 65-1626(ccc)(5) defines unprofessional conduct to include the unlawful possession of drugs.

9. The Respondent's positive test results render her in violation of K.S.A. 65-1627(a)(13) as marijuana is a schedule I controlled substance and Respondent did not have a prescription for the substance.

10. Furthermore, Respondent's possession of marijuana is illegal, thus rendering her in violation of K.S.A. 65-1627(a)(3).

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:

11. 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.

12. 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.

13. 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.

14. 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.

1/16/17
Date



Alexandra Blasi
Kansas Board of Pharmacy

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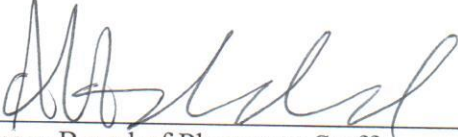
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 6 day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Melanie Latuch
9444 Knox Drive
Overland Park, KS 66212

and the original hand delivered to:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612



Kansas Board of Pharmacy Staff