

November 12, 2021

COURTNEY LIPTON
711 N GARDNER
WELLINGTON, KS 67152

RE: Case No. 21-167

Dear Ms. Lipton:

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 \$200. 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)
)
Courtney Lipton)
)
Registration No. 14-109640)

Case No. 21-167

SUMMARY ORDER

NOW, on this 12th day of November 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Courtney Lipton, (“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, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-109640 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. On or about May 17, 2021, the Board received information regarding charges laid against Respondent in March of 2021 for domestic battery and for disorderly conduct.

3. On May 18, 2021, the Board sent a letter to Respondent’s address of record requesting a completed Personal History Form S-150 (“S-150”) detailing the nature of the incident, as well as certified copies of the court pleadings from the case.

4. On or about June 16, 2021, the Board received the requested documentation. Respondent's S-150 and court records documented that she had had the domestic battery charge dropped, but had pled guilty to and was convicted of the disorderly conduct charge, for which she paid all fines and fees. Respondent had additionally been placed on unpaid suspension by her employer until such time as the case had been resolved. Respondent stated acknowledgement of wrongdoing, noted recent achievement in her profession, and apologized for not having notified the Board of the criminal incident. Also included were two letters of recommendation.

5. Respondent had previously reported multiple criminal charges on her 2019 technician registration application unrelated to the March 2021 charges.

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, the Board may limit a 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. Pursuant to K.A.R. 68-7-25(a)(1), each pharmacy technician shall notify the Board in writing, within 30 days of the date of occurrence, of any conduct resulting in a charge that would constitute unprofessional conduct as defined by K.S.A. 65-1626, and amendments thereto.

4. Pursuant to K.S.A. 65-1627(a)(3), the Board may place in a probationary status the license of any pharmacist who has been found guilty of unprofessional conduct.

5. Pursuant to K.S.A. 65-1626(uuu), unprofessional conduct means conduct likely to deceive or harm the public.

6. Respondent's failure to notify the Board of her domestic battery and disorderly conduct charges within 30 days of their occurrence is a violation of K.A.R. 68-7-25(a)(1), and the incident itself posed a risk of harm to the public.

7. Respondent's violation is a basis to fine Respondent per K.S.A. 65-1658, as well as a basis to place Respondent's Registration under probationary status pursuant to K.S.A. 65-1663 and K.S.A. 65-1627(a)(3).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Pharmacy Technician Registration is hereby PLACED UNDER A 2-YEAR PROBATIONARY STATUS and Respondent is ordered to PAY A \$200 FINE for the violation. Respondent has 30 days from the date of this order to pay the total fine. The terms of Respondent's probation are as follows:

- Respondent must notify the Board of any change in her court status within 10 days of the change;
- Respondent must notify the Board of any further arrest or criminal charge within 10 days of the date of the arrest or charge;
- Respondent must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Respondent must inform employers of the probationary status of her pharmacy technician registration;

- Respondent must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

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

IT IS SO ORDERED.

11/12/2021

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 12th day of November 2021, 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:

COURTNEY LIPTON
711 N GARDNER
WELLINGTON, KS 67152



Kansas Board of Pharmacy Staff