

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
SHELBY LUCAS)
 Pharmacy Technician)
Registration No. 14-19273)

Case No. 18-652

SUMMARY ORDER OF REVOCATION

NOW on this 15 day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Shelby Lucas, 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, 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. The Board has previously issued Respondent Pharmacy Technician Registration Number 14-19273 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about October 10, 2018, the Board received a diversion report from Respondent's employer, Perry Drug, notifying that the following drugs had been diverted: 10

capsules of 10 MG Vyvanse, 5 capsules of 30 MG Vyvanse, and 7 capsules of 70 MG Vyvanse.

3. The diversion report indicated that camera footage showed Respondent diverting medication. Additionally, the diversion report indicated that Respondent admitted to the diversion via text message.

4. Additional statements provided to the Board by Respondent's employer indicated that on October 8, 2018, Respondent refused her urinary analysis test.

5. On January 31, 2019, the Board sent a letter via mail and email requesting she provide a statement regarding the diversion within ten days.

6. To date, the Board has not received a response from Respondent.

CONCLUSIONS OF LAW

7. That pursuant to K.S.A. 65-1663(f)(1) 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.

8. Pursuant to K.S.A. 65-1627(a)(3), the Board may revoke the license of a pharmacist who is found by the Board to be guilty of unprofessional conduct.

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

10. Pursuant to K.S.A. 65-1627(a)(5), the Board may revoke the license of a pharmacist upon a finding that the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

11. Pursuant to K.S.A. 65-1627(a)(8), the Board may revoke the license of a pharmacist upon a finding that the licensee has violated a provision of the pharmacy act of the state of Kansas or any rule and regulation adopted by the Board pursuant to the provisions of such pharmacy act.

12. Respondent's diversion of controlled substances, as evidenced by the materials provided by Respondent's employer, is unprofessional conduct pursuant to K.S.A. 65-1626(ttt) and is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

13. Respondent's diversion of controlled substances, as evidenced by the materials provided by Respondent's employer, is a violation of the uniform controlled substances act of the state of Kansas and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(5).

14. Respondent's diversion of controlled substances, as evidenced by the materials provided by Respondent's employer, is a violation of the pharmacy act of the state of Kansas and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(8).

15. Pursuant to K.S.A. 65-1627(a)(15), the Board may revoke the license of a pharmacist if the pharmacist "has failed to furnish the board, its investigators or its representatives any information legally requested by the board."

16. Respondent's failure to supply the Board with a statement regarding the diversion is a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(15).

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:

17. 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.

18. 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.

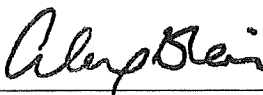
19. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

20. 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.

2/15/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 15 day of February, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Shelby Lucas
15323 W 83rd Terrace
Lenexa, KS 66219

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