

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
AUG 17 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of

Case No. 16-054

Alicia Walker

FINAL ORDER

Statement of Case

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) for review of the pharmacy technician application of Alicia Walker.

The hearing in this matter was held on July 15, 2016. Appearing for the Board were: President, Chad Ullom, R.Ph.; Vice President, John Worden, PharmD.; and members, Robert Haneke, PharmD; James Garrelts, PharmD; David Schoech, R.Ph.; and Cheri Pugh. Mr. Ullom recused himself prior to deliberations.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Alicia Walker appeared *pro se*.

Findings of Fact

1. On March 21, 2016, the Board received Ms. Walker's application for registration as a pharmacy technician (application).
2. Ms. Walker answered "Yes" to the following questions:

Have you ever been found in any civil, administrative, or criminal proceeding to have:

- a. Possessed, used, or distributed controlled substances or prescription drugs in any way other than for legitimate or therapeutic purposes;
- b. Diverted controlled substances or prescription drugs;
- c. Violated any state, federal, or local drug law;

- d. Dispensed controlled substances for yourself;
- e. Violated any state or federal law or rule regulating a health care profession?

....

Have you ever been cited, arrested for, charged with, or convicted of the commission of any crime, offense, or violation of the law in any state or by the federal government even if those charges were dismissed or expunged?

....

Have you been treated for a drug or alcohol addiction or participated in a rehabilitation program in the last 5 years?

3. Ms. Walker also provided a letter with her application stating that in November 2004, she was charged with shoplifting in Kansas and was placed on diversion. During this time, she tested positive for marijuana. As a result, she was required to go to an outpatient treatment program for 26 weeks from which she graduated and was released from diversion after a year. She also stated that in 2005, she was charged with possession of marijuana in Missouri as she “was dumb and had taken the fall for a boyfriend.” She was placed on unsupervised probation. She stated that in October 2012, she sought counseling and treatment for opioid dependency and was treated by two separate physicians. She stated that she is currently under the care of Dr. Shawn Willson, a psychiatrist who she sees every 2-3 months. Ms. Walker also stated that she has worked for Walgreens since April 2013 and that the pharmacy manager, store manager, and district manager believe that she is ready to become a pharmacy technician.

4. Ms. Walker provided letters of recommendation from a pharmacy technician with whom she worked with at Walgreens, the pharmacy manager for Walgreens, and the store manager for Walgreens. She also provided a note from Dr. Willson stating that Ms. Walker has been compliant with her appointments and is only taking a medication prescribed by her as confirmed by regular drug screens.
5. Due to the responses provided by Ms. Walker, the Board issued a Notice of Administrative Proceeding to allow Ms. Walker an opportunity to provide evidence regarding her responses and the underlying matters giving rise to those responses.

Applicable Law
and
Discussion

1. 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.
2. The Board finds that granting Ms. Walker a Kansas pharmacy technician registration is warranted for the following reasons.
3. The Board found the testimony of Ms. Walker that she has worked hard to turn her life around and that she has been clean for the past few years

credible. The Board found that Ms. Walker's continued treatment by Dr. Willson evidences her efforts to remain drug free.

4. The Board also found the letters from the pharmacy technician, pharmacy manager, and store manager of Walgreens where Ms. Walker is employed persuasive.
5. It is the opinion of the Board that Ms. Walker deserves an opportunity to put her past mistakes in the past.


Order

Based on the foregoing, the Board grants the application of Alicia Walker for registration as a Kansas pharmacy technician with the following conditions:

- a. Ms. Walker must notify the Board if she leaves her employment with Walgreens at the location at which she is employed; and
- b. Ms. Walker shall provide the Board with updates from Dr. Willson at least every six months for a period of two years from the date of this order.

IT IS SO ORDERED.

8/3/16
Date



John Worden, Vice President
Kansas Board of Pharmacy

NOTICES

1. This is a Final Order, and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

On August 17th, 2016, I mailed a copy of this document
to:

Alicia Walker
813 Ohio Ave
Kansas City, KS 66101

Randall J. Forbes
Frieden, Unrein & Forbes
1414 SW Ashworth Pl, Ste. 201
Topeka, KS 66604

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person