

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
XIAOJUN WANG)
 Pharmacist)
Registration No. 1-16941)

Case No. 19-046

SUMMARY ORDER OF PROBATION

NOW on this 22 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Xiaojun Wang, Pharmacist ("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, 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 issued Respondent Pharmacist License Number 1-16941 authorizing her to perform the functions of a pharmacist in the State of Kansas ("Respondent's License").
2. On or about February 13, 2019, the Board received notification from NABP Clearinghouse that discipline had been taken by the Missouri Board of Pharmacy against Respondent's Missouri pharmacist license.

3. Respondent entered into a Settlement Agreement dated January 4, 2019 with the Missouri Board of Pharmacy. The Missouri discipline resulted from a finding that Respondent was terminated from her employer in January of 2018 for dispensing to a patient four tablets of methyphenidate 36 mg (a schedule II controlled substance). When asked by her employer, Respondent stated that she advanced the four tablets to a patient because the patient ran out of medication and was unable to obtain a new prescription until the following week. Respondent also gave a written statement admitting these facts.

CONCLUSIONS OF LAW

4. That pursuant to K.S.A. 65-1627(a)(3), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee is found by the Board to be guilty of unprofessional conduct.

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

6. Pursuant to K.S.A. 65-1627(a)(12), the Board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of a pharmacist upon a finding that the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

7. Respondent's dispensing of four tablets of a controlled substance to a patient without a prescription is unprofessional conduct and a basis to place Respondent's license in a probationary status pursuant to K.S.A. 65-1627(a)(3).

8. The discipline to Respondent's Missouri pharmacist license, as evidenced by the Missouri Board of Pharmacy Settlement Agreement dated January 4, 2019, is a basis to place Respondent's license in a probationary status pursuant to K.S.A. 65-1627(a)(12).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's License is hereby placed on PROBATION for a period of two years subject to the following terms:

- Respondent shall notify current and future employers of her discipline by providing a copy of this Order to those employers;
- Respondent shall obtain the signature of her employer documenting knowledge of her probationary status to the Board;
- Respondent shall not serve as pharmacist-in-charge of any entity licensed or regulated by the Board, nor may she serve as a preceptor for pharmacy interns;
- Respondent shall not serve as a consultant pharmacist for any pharmacy/drug distributor;
- Respondent shall keep the Board apprised of her current home, electronic (e-mail) and work addresses and telephone numbers. Respondent shall notify the Board of any change in Respondent's employer or Respondent's home or

Matter of Xiaojun Wang, No. 19-046 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF PROBATION

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work address within ten (10) days of such change in a manner approved by the Board. For employer/work changes, Respondent's notification shall include the reasons for the change. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work location, she must provide the Board a list of locations worked if requested by the Board or Board's representative.

- Respondent shall comply with all applicable provisions of the Kansas Pharmacy Practice Act, all applicable federal and state pharmacy laws and regulations, and all federal and state criminal laws. Respondent shall notify the Board within seventy-two (72) hours, in writing, if Respondent violates any provision of the Kansas Pharmacy Practice Act, any applicable federal or state pharmacy laws and regulations, or any federal or state criminal laws.

NOTICES

The Respondent is hereby notified as follows:

9. 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.

10. If a hearing is not requested as described above, the Order placing Respondent's License on probation shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

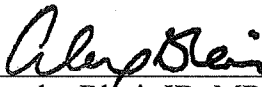
11. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

12. 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.

3/22/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of March, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Xiaojun Wang
5111 W 161st Terrace
Stilwell, KS 66085

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

Filed By

MAR 22 2019

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Justine Wade)
14-108593)
_____)

Case No. 19-041B

SUMMARY ORDER OF DENIAL

NOW on this 22 day of March, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Justine Wade, ("Applicant"), for her application for registration as a Kansas pharmacy technician.

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 or about January 23, 2019, a Board Inspector received an email from David Mahanna at Mahanna Pharmacy, asking for the status of Applicant's technician registration. Mahanna stated that he had employed Applicant as a technician in his pharmacy since April 2018.

2. On January 25, 2019, the Board Inspector visited Mahanna Pharmacy and met with Applicant. The Inspector confirmed with the Board office that there was no active

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registration for Applicant. Applicant stated that she had completed the pharmacy technician registration application in April 2018. Upon investigation, the Inspector learned that the completed application was never received by the Board, and informed the Applicant that no application had been received and she was not permitted to work as a pharmacy technician unless and until she applied and was granted a registration.

3. On January 28, 2019, the Board received Applicant's application for registration as a pharmacy technician ("Applicant's Application").

4. Applicant answer "Yes" to the following question on her application: Have you been charged with or convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors.

5. Applicant disclosed that she was arrested in 2010 for a warrant stemming from writing a bad check. She disclosed that the charges resulted in a misdemeanor conviction.

6. On March 11, 2019, the Board Inspector again visited Mahanna Pharmacy and found Applicant working as a technician. At this time, Applicant's Application had still not yet been approved by the Board.

CONCLUSIONS OF LAW

1. 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.

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

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

4. Pursuant to K.S.A. 1627(a)(8), the Board may deny the license of any pharmacist who has violated any of the provisions 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.

5. Pursuant to K.S.A. 65-1663(a), it shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the Board as a pharmacy technician.

6. Applicant's previous misdemeanor conviction for writing a bad check is unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

7. Applicant's conduct of working as a pharmacy technician without a registration, particularly after she had been informed that she did not have an active registration, is a violation of 65-1663(a) and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(8).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

8. 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.

9. 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.

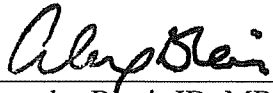
10. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

11. 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.

3/22/19
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22 day of March, 2019 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Justine Wade
1300 Trail Ave PO Box 872
Hoxie, KS 67740



Kansas Board of Pharmacy Staff