

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
AUG 3 2015
KANSAS STATE
BOARD OF PHARMACY

In the Matter of

Ankeyta White, Pharmacy Technician
Kansas Permit No. 14-11873

Case No. 14-21
OAH No. 15BP0025

FINAL AGENCY ORDER

Statement of Case

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) on its notices to the respondent, Ankeyta White, to show cause why action should not be taken against her pharmacy technician registration due to her failure to comply with the Stipulation and Consent Order entered on January 15, 2015.

The hearing in this matter was held on July 17, 2015. Appearing for the Board were: Vice President, Chad Ullom, R.Ph.; and members, James Garrelts, PharmD; Michael Lonergan, R.Ph.; David Schoech, R.Ph.; John Worden, PharmD; and Cheri Pugh, Public Member.

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

The respondent did not appear, notwithstanding, notices were sent to her and were not returned as undeliverable.

Findings of Fact

1. On January 15, 2015, a Stipulation and Consent Order (Consent Order) was entered into by the Board and the respondent.

2. As part of the Consent Order, the respondent was required to submit to random drug screening through the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program (CIPP) for a period of no less than 365 days. The Consent Order required the respondent to remain in strict compliance with the requirements of the drug screen program during this entire period.
3. The Consent Order also provided that the respondent acknowledged and agreed that any violation of the Consent Order would constitute a willful violation of a lawful Board order and would be grounds for further disciplinary action against her.
4. On June 8, 2015, Sara Rust-Martin, Director of Operations, Kansas Pharmacists Association, sent a letter to Debra Billingsley, Executive Director of the Board, advising that the respondent had not called in as required on six occasions after March 24, 2015, and had not completed requests for urine drug screens on Sunday, May 17, 2015, and Wednesday, June 3, 2015.
5. On June 11, 2015, a notice was sent to the respondent by the Board advising her that a show cause hearing regarding her compliance with the Consent Order was scheduled for July 17, 2015 at 9:00 a.m. A corrected notice was sent on June 12, 2015; however, the time and date of the show cause hearing remained the same.

6. The notices specifically provided that “[a]ny party who fails to attend or participate in the hearing . . . may be held in default pursuant to K.S.A. 77-520 and the Board may conduct further proceedings necessary for adjudication with the participation of the Respondent.”
7. As stated above, the respondent did not appear.

Conclusions of Law
and
Discussion

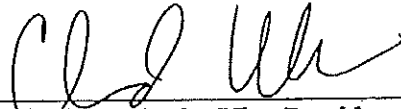
1. Initially, the Board finds that pursuant to K.S.A. 77-520, the respondent was in default for failing to appear at her hearing. However, the Board’s ruling is also based on her failure to comply with the Consent Order.
2. Pursuant to K.S.A. 65-1663, the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on the 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. The respondent entered into the Consent Agreement on January 15, 2015, with the understanding that her failure to comply with the requirements set forth therein could result in the Board taking further disciplinary action against her. She failed to comply, as required, and failed to appear and offer any explanation for her failure to do so.

Order

Based upon the foregoing, the Board unanimously voted that revocation of the respondent's registration as a Kansas pharmacy technician is warranted.

IT IS SO ORDERED.

7-17-15
Date



Chad Ullom, R.Ph., 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:

Debra L. Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

On August 3, 2015, I mailed a copy of this document
to:

Ankeyta White
3719 SW 30th St.
Topeka, KS 66614

Kurt James
Attorney at Law
115 SE 7th St.
Topeka, KS 66604

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

and the original was delivered to:

Debra L. Billingsley
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612-1244

Misty Dodds
Kansas Board of Pharmacy Staff