

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Annelise Whitney) Case No. 17-037
 Pharmacy Technician)
Registration No. 14-16959)

SUMMARY ORDER OF REVOCATION

NOW on this ___ day of May, 2017 comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Director, the matter of Annelise Whitney, 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 Investigative Member makes the following findings of fact:

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-16959 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On February 12, 2017, the Board received a notification from the Kansas Bureau of Investigation, indicating Respondent had been arrested for misdemeanor possession of a hallucinogenic drug on December 21, 2017.

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3. On February 15, 2017, the Board requested Respondent send documents explaining the arrest.

4. On March 20, 2017, the Board received a completed S-150 Personal History Form from Respondent containing a letter explaining the events of the evening. Respondent included court documents which list three charges including misdemeanor possession of a controlled substance and paraphernalia.

CONCLUSIONS OF LAW

5. 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.

6. That pursuant to K.S.A. 65-1627(a)(3), the Board may revoke a license to a pharmacist if a licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

7. That pursuant to K.S.A. 65-1626(ccc)(5) unprofessional conduct means unlawful possession of drugs.

8. That pursuant to K.S.A. 65-1626(ccc)(7) unprofessional conduct means conduct likely to deceive, defraud or harm the public.

9. That pursuant to K.S.A. 65-1627(a)(5), the Board may revoke a license to a pharmacist if a licensee is found by the board to have violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas.

10. Respondent's unlawful possession of a controlled substance in her capacity as a pharmacy technician is evidence of unprofessional conduct likely to harm the public and a basis to revoke her registration for failure to comply with K.S.A. 65-1627(a)(3) and K.S.A. 65-1627(a)(5).

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:

11. 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.

12. 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.

13. 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.

14. 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:

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Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

5/26/17
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the ___ day of May, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Annelise Whitney
500 Holly Lane
Newton, KS 67114

Kansas Board of Pharmacy Staff