

Filed By

MAR 16 2020

BEFORE THE KANSAS BOARD OF PHARMACY

KANSAS STATE BOARD OF PHARMACY

In the Matter of )  
Tammy Withers )  
Registration No. 24-109905 )

Case No. 19-381

**SUMMARY ORDER**

NOW, on this 16<sup>th</sup> day of March 2020, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Tammy Withers, (“Applicant”), for 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, the Board makes the following findings, conclusions and order.

**FINDINGS OF FACT**

1. On June 17, 2019, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).

2. Applicant answered “No” 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.” The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History (“Form S-150”).

3. The Board received information regarding criminal charges against Applicant: 2001 worthless check; 2001 failure to appear; 2011 counts of drug possession and intent to use drug paraphernalia.

4. On July 11, 2019, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On August 12, 2019, the Board received the requested documentation, which was forwarded to the Board's Individual Evaluator ("Evaluator") for review.

6. The Evaluator found that Applicant had successfully completed six-month probation for both 2001 charges, and a 12-month probation resulting from a plea deal for the 2011 possession charges. Applicant's statement demonstrated her consciousness of the wrongfulness of her conduct, showing full responsibility for her actions. The Evaluator also noted the time lapsed since Applicant's last offense.

#### 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)(2), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

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

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

5. Applicant's misdemeanor convictions are a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(2).

6. Applicant's misdemeanor convictions are unprofessional conduct and a basis to place Applicant's registration in a probationary status pursuant to K.S.A. 65-1627(a)(3).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacy technician registration is hereby GRANTED subject to a 2-year probationary status. The terms of Applicant's probation are as follows:

- Applicant must notify the Board of any change in employment within 10 days of the change and obtain Board approval for the change;
- Applicant must inform employers of the probationary status of her pharmacy technician registration;
- Applicant must obtain the signature of her pharmacist-in-charge (PIC) documenting knowledge of her probationary status to the Board; and
- Applicant must comply with all rules and regulations of the Pharmacy Practice Act.

#### NOTICES

Applicant is hereby notified as follows:

1. 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.

2. 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.

3. 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.


4. 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.

Date

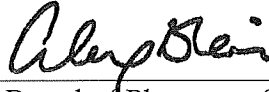
3/16/2020

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 16<sup>th</sup> day of March 2020, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

TAMMY WITHERS  
PO BOX 124  
REXFORD, KS 67753



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Kansas Board of Pharmacy Staff