

Filed By  
FEB 05 2014  
BOARD OF PHARMACY

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of the Application of )  
Rachael E. Woody, for a ) Case No. 13-158  
Pharmacy Technician Registration. )

SUMMARY ORDER

NOW this 3 day of January, 2014, the above captioned matter comes before the Kansas State Board of Pharmacy (“Board”) on the application of Rachael E. Woody (“Respondent”) for a Pharmacy Technician Registration. After considering the foregoing, the Board’s Investigative Member, in accordance with the authority granted to him by the Board, enters the following Summary Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a resident of 2400 Alabama, Apt. 302, Lawrence, KS 66046.
2. The Board has the authority to grant Respondent a Pharmacy Technician Registration.
3. On October 1, 2013, Respondent applied for a Pharmacy Technician Registration with the Board.”
4. Part IV of the application for Pharmacy Technician Registration (“Application”) asks: “Have you ever been cited, 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, diverted or expunged?” Respondent responded “Yes.”
5. The Kansas Bureau of Investigation did a criminal background search on Respondent and provided the Board with an Abstract of Criminal History.
6. Respondent’s Criminal History documents that on June 18, 2010, Respondent was arrested in Lawrence, Kansas on a charge of Possession of opiates/opium/narc drug and certain

stimulants, in violation of KSA 21-36a06 a; Driving Under the Influence of Alcohol or Drugs; 1st conviction, in violation of KSA 08-1567; Use/possession with intent to use drug paraphernalia into the human body in violation of KSA 21-36a09 b 2; Failure to appear in violation of KSA 21-3813; and Transporting an open container in violation of KSA 08-1599.

7. Respondent entered into a diversionary agreement with the Douglas County District Attorney on April 6, 2011.

8. Respondent's RAP sheet documents that Respondent's Diversion Agreement was successfully completed on April 6, 2013

9. Respondent was arrested on April 26, 2011 in Lawrence, Kansas on a charge of Driving under the influence of alcohol or drugs in violation of KSA 08-1567; Duty of Driver to Report upon damaging unattended vehicle in violation of KSA 08-1605; and Report accident involving damage to vehicle to property; no proof of insurance in violation of KSA 08-1603.

10. Respondent was convicted of Driving under the Influence of alcohol or drugs on December 9, 2011 and sentenced to 2 days in jail, fined \$694.00 and placed on 12 month probation. As part of the probation the Respondent was to complete Level 1 outpatient program for chemical abuse.

11. Respondent was arrested on August 23, 2011 and charged with attempted driving under influence of alcohol or drugs; 2nd conviction.

12. Respondent was convicted on December 9, 2011 and fined \$1,250.00 and ordered to attend adult alcohol/drug education/treatment.

13. Pursuant to K.S.A. § 65-1663(e)(1), 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.

14. Pursuant to K.S.A. § 65-1627(a) (4), the Board may deny a license when “the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy.

15. Pursuant to 21 CFR 1301.92 it is the position of the Drug Enforcement Administration that employees who possess, sell, use or divert controlled substances will subject themselves not only to State or Federal prosecution for any illicit activity, but shall also immediately become the subject of independent action regarding their continued employment. The employer will assess the seriousness of the employee's violation, the position of responsibility held by the employee, past record of employment, etc., in determining whether to suspend, transfer, terminate or take other action against the employee.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, the Board’s Investigative Member hereby enters the following order:

1. Respondent is hereby denied a Pharmacy Technician Registration pursuant to K.S.A. § 65-1627 (a) (4).

#### NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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 Summary 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.

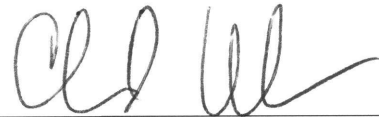
4. Within the time limits established in K.S.A. § 77-613, either party may seek judicial review of a final agency order, pursuant to § 77-613. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612.

IT IS SO ORDERED.

3/3/14

Date

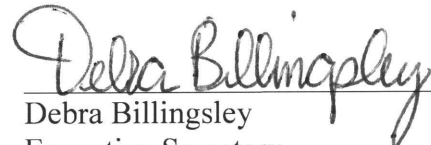


Chad Ullom, R.Ph.  
Investigative Member

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of January, 2014, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Rachael Woody  
240 Alabama, Apt 302  
Lawrence, KS 66046

  
Debra Billingsley  
Executive Secretary