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April 29, 2024

VIA 1ST CLASS MAIL AND EMAIL (jmophoto@gmail.com)
PERSONAL AND CONFIDENTIAL

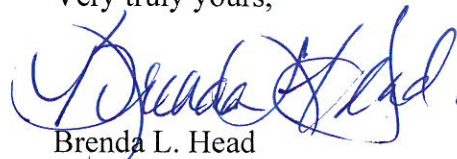
Joseph Michael Oland
15304 W. 83rd Terrace
Lenexa, KS 66219

RE: Kansas Board of Pharmacy v. Oland
Case No. 24-183

Dear Mr. Oland:

I am Disciplinary Counsel for the Kansas Board of Pharmacy. Enclosed please find an Emergency Agency Order issued by the Board as it relates to your pharmacy technician registration. The Emergency Agency Order of suspension takes effect immediately. You may contact my office if you have questions.

Very truly yours,



Brenda L. Head
Frieden & Forbes, LLP

BLH:ajf
Enclosure
cc: Alexandra Blasi, JD, MBA w/ enclosure (via email)

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of)
) File No. 24-183
JOSEPH MICHAEL OLAND,)
REGISTRATION NO. 14-111498)

EMERGENCY AGENCY ORDER

Joseph Michael Oland (the “Respondent”) is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the “Board”) having issued him Registration No. 14-111498.

It has come to the attention of the Board’s Investigation Member that during Respondent’s employment as a pharmacy technician at Walgreens #4186 located at 15100 W. 87th St. Pkwy, Lenexa, Kansas, Respondent was suspected of and tested positive for alcohol while on duty and he was determined to be Unfit for Duty.

After considering the foregoing, the Board’s Executive Secretary, in accordance with the authority granted to her by the Board pursuant to the Board’s delegation of authority policy which was adopted November 27, 2018 and re-approved October 13, 2021, enters the following emergency agency order, pursuant to K.S.A. 77-536, K.S.A. 65-1663 and K.S.A. 65-1627.

I. FINDINGS OF FACT

For purposes of this order, the Board’s Executive Secretary makes the following findings of fact:

1. The Board has previously issued Respondent registration number 14-111498, which entitled him to function as a pharmacy technician in the State of Kansas (“Respondent’s Registration”).

2. Respondent is employed as a pharmacy technician at Walgreens #4186 located at 15100 W. 87th St. Pkwy., Lenexa, Kansas.
3. On March 24, 2024, two Walgreens #4186 staff expressed concerns regarding Respondent's behavior, appearance, speech and the odor of alcohol at or about 7 p.m. to 9 p.m., near the end of Respondent's shift which prevented testing to be performed.
4. On March 27, 2024, at or about 11:00 a.m., two Walgreens #4186 staff observed Respondent's behavior as including agitation, anxiousness, restlessness, hostile, belligerent, irritable and moody. Staff also observed Respondent's speech was loud and boisterous and they smelled the odor of alcohol on Respondent.
5. On March 27, 2024, Walgreens #4186 determined reasonable suspicion existed and required Respondent to submit to a breathalyzer test and retest.
6. On March 27, 2024 at 12:14 p.m., Respondent's first breathalyzer result tested .217 Blood Alcohol Content ("BAC") and his retest at 12:30 p.m. tested at .212 BAC at which time Walgreens #4186 determined Respondent was Unfit for Duty.
7. Thereafter, Respondent provided his employer with a written statement regarding his positive BAC test and Respondent admitted his last consumption of alcohol on March 27, 2024 could easily have been within an hour of when he arrived at work the morning of March 27, 2024. Respondent described consultations with a behavioral and addiction specialist for a three year period and admitted to his current relapse.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Executive Secretary makes the following conclusions of law and fact:

1. Respondent's history and behavior indicates Respondent is addicted to alcohol and he cannot control his desire for alcohol.

2. Being addicted to and under the influence of alcohol during the performance of a pharmacy technician responsibilities would impair a human being, like Respondent, to the point he would pose an immediate danger and significant risk to those members of the public who are customers of the pharmacy in which he might be working. As a result of these risks, customers at the pharmacy in which the Respondent might be working could receive drugs or inappropriately take drugs that could cause them severe harm, if not death.

3. Respondent's continued functioning as a pharmacy technician would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's Registration.

4. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's Registration pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1663(f)(3), K.S.A. 65-1627(a)(3), as defined by K.S.A. 65-1626(vvv)(7) and K.S.A. 65-1627(a)(4).

III. EMERGENCY ORDER

Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's Registration is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

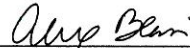
Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

4/29/2024

Date



ALEXANDRA BLASI, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

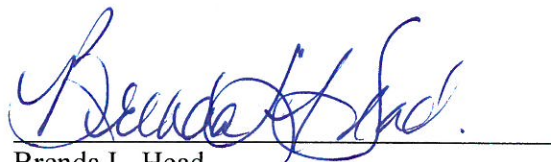
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29th day of April, 2024, deposit in the United States mail, postage prepaid, a copy of the foregoing EMERGENCY AGENCY ORDER, properly addressed to the following:

Joseph Michael Oland
15304 W. 83rd Terrace
Lenexa, KS 66219

and sent via email to:

Joseph Michael Oland
jmophoto@gmail.com



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