

Filed By
MAY 12 2014
KANSAS STATE
BOARD OF PHARMACY

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)
Kimberly S. Mackey,) KBOP DOCKET No. 14-033
Pharmacy Technician Registration 14-04666)
_____)

SUMMARY ORDER

NOW this 9 day of April, 2014, comes before the Kansas State Board of Pharmacy (hereinafter referred to as "Board") through its investigative member on the registration of Kimberly S. Mackey (hereinafter referred to as "Respondent") to function as a pharmacy technician in Kansas.

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 provision of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigative Member after reviewing the evidence and being otherwise duly advised in the premises and 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 Missouri with a last known mailing address of 392 Oil Lane, Belton, Missouri 64012.
2. The Board granted Respondent a Pharmacy Technician Registration No. 14-04666 on November 21, 2006 and at all times relevant herein Respondent was employed as a pharmacy technician at CVS Pharmacy in Olathe, Kansas.

3. On or around February 26, 2014 the Respondent left the store and set the checkpoint security system off. The Respondent had tweezers in her possession that were tagged and had not been paid for. She was permitted to return to the store and pay for the item.

4. On or around March 3, 2014 the Respondent was observed removing a drink from the cooler and leaving the break-room without paying for the drink.

5. Based on a pattern of theft the Respondent was interviewed on March 6, 2014. The Respondent was in possession of nine Hydrocodone 5/325 tablets that were loose in her pocket.

6. That the Respondent admitted to taking two Hydrocodone previously but she claimed that the nine loose tablets were from her own prescription and that the prescription bottle was in her vehicle.

7. That the Respondent was unable to produce the bottle upon request.

8. That the Respondent also admitted that she had taken approximately five drinks without paying for them.

9. 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.

10. Pursuant to K.S.A. 65-1627 (a)(4) the Board may take action against a pharmacy/pharmacy technician if the licensee/registrant is addicted to liquor or has a drug habit to such a degree as to render the licensee/registrant unfit to practice pharmacy.

11. Pursuant to K.S.A. 65-1627 (a) (5) the Board may take action against a pharmacist/registrant for a violation of the Uniform Controlled Substance Act

12. 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.

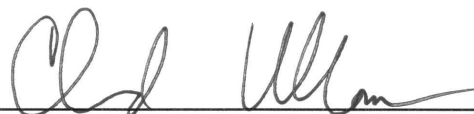
13. Pursuant to K.S.A. 65-1627 (a) (3) the Board may take action if the Respondent is found to have committed unprofessional conduct defined in part as unlawful possession of drugs or conduct likely to deceive, defraud or harm the public.

ORDER

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

IT IS THEREFORE ORDERED that Respondent Kimberly S. Mackey's pharmacy technician registration is hereby revoked.

IT IS SO ORDERED.



Chad, Ullom, R.Ph.
Investigative Member

NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas State 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 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 K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review is:

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 9 day of April, 2014, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Kimberly S. Mackey
392 Oil Lane
Belton, MO 64012



Kansas Board of Pharmacy