

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

FEB 13 2019

KANSAS STATE BOARD OF PHARMACY

In the Matter of )  
 )  
THOMAS MADISON )  
 Pharmacy Technician )  
Registration No. 14-15892 )

Case No. 18-808

**SUMMARY ORDER OF REVOCATION**

NOW on this 13 day of February, 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Thomas Madison, 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 Executive Secretary makes the following findings of fact:

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-15892 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On or about December 19, 2018, a Board Inspector received a phone call from Kevin Waite, pharmacist-in-charge (PIC) at Stormont-Vail-Healthcare Pharmacy/Cancer Center Pharmacy reporting a pharmacy technician diversion that occurred at the hospital.

3. On December 21, 2018, the Board Inspector visited Stormont-Vail Healthcare Pharmacy and spoke to the PIC. The PIC informed the Board Inspector that Respondent went to work on December 11, 2018, a day he was not scheduled to work, and used his work badge to access the medication room and diverted 22 tablets of oxycodone CR 40 mg and 18 tablets of amphetamine/dexamphetamine 10 mg.

4. Stormont-Vail Health provided the Board with documentation that a total of 22 tablets of oxycodone CR 40 mg and 18 tablets of amphetamine/dexamphetamine 10 mg had been diverted. Additionally, Stormont-Vail Health provided the Board with security camera photographs, confirming the Respondent was the individual who entered the medication rooms during the time the medications were diverted.

5. The Board's Investigative Member and Investigative Committee reviewed the relevant materials.

#### CONCLUSIONS OF LAW

6. 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.

7. That pursuant to K.S.A. 65-1627(a)(3), the Board may revoke the license of any pharmacist upon a finding that the licensee is found by the Board to be guilty of unprofessional conduct.

8. Pursuant to K.S.A. 65-1626(ttt) unprofessional conduct includes unlawful possession of drugs and conduct likely to deceive, defraud or harm the public.

9. Pursuant to K.S.A. 65-1627(a)(5), the Board may revoke the license of any pharmacist upon a finding that the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.

10. Pursuant to K.S.A. 65-1627(a)(8), the board may revoke the license of any pharmacist upon a finding that the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the Board pursuant to the provisions of such pharmacy act.

11. Respondent's diversion of controlled substances is unprofessional conduct pursuant to K.S.A. 65-1626(ttt) and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(3).

12. Respondent's diversion of controlled substances is a violation of the uniform controlled substances act of the state of Kansas and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(5).

13. Respondent's diversion of controlled substances is a violation of the pharmacy act of the state of Kansas and the rules and regulations adopted by the Board and a basis to revoke Respondent's Registration pursuant to K.S.A. 65-1627(a)(8).

#### 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:

14. 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.

15. 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.


16. 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.

17. 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  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

2/13/19  
Date

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

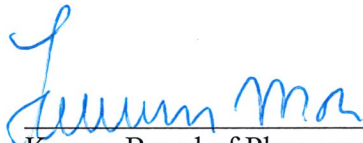
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 13 day of February, 2019, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Thomas Madison  
2717 SW 19<sup>th</sup> St  
Topeka, KS 66604

and the original hand delivered to:

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

  
\_\_\_\_\_  
Kansas Board of Pharmacy Staff