

September 4, 2019

MARCIA McCLURE
621 CAVE SPRINGS
EL DORADO, KS 67042

RE: Case No. 19-378

Dear Ms. McClure:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
 Marcia McClure)
)
 Registration No. 14-07508)

Case No. 19-378

SUMMARY ORDER OF REVOCATION

NOW, on this 4th day of September 2019, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Marcia McClure ("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

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-17039 authorizing Respondent to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. At all times relevant hereto, Respondent worked as a Pharmacy Technician in the Walgreens Pharmacy location at 119 West 6th Avenue in El Dorado, Kansas ("Walgreens #10721").
3. In a voluntary written statement to the Asset Protection Manager of the Walgreens Family of Companies ("the APM"), Respondent agreed to pay \$231.38 for taking 150 Phentermine

tablets from the Walgreens Pharmacy. Respondent's statement noted that she ingested the Phentermine in order "to eat less".

4. On or about August 16, 2019, a Board inspector received from the APM notification of this theft/loss of controlled substances from Walgreens #10721. Included in the APM's notification was Respondent's signed voluntary written statement, which indicated Respondent took full responsibility for the diversion, noting her desperation to commit such an act.

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. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

3. That K.S.A. 65-1626(uuu) defines unprofessional conduct to include the unlawful possession of drugs and/or conduct likely to deceive, defraud, or harm the public.

4. Respondent's conduct in stealing drugs from her employer and Respondent's disregard for the potential harmful effects of her action to the public are violations of K.S.A. 65-1627(a)(3) and are bases to revoke Respondent's Registration.

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:

1. 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.

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

IT IS SO ORDERED.

9/4/19
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of September 2019, 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:

MARCIA McCLURE
621 CAVE SPRINGS
EL DORADO, KS 67042



Kansas Board of Pharmacy Staff