

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
William Ndumbi)
 Pharmacy Technician)
Registration No. 14-102002)

Case No. 17-199

SUMMARY ORDER OF REVOCATION

NOW on this 28 day of December, 2017 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Director, the matter of William Ndumbi, 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 Investigative Member makes the following findings of fact:

1. The Board has issued Respondent Pharmacy Technician Registration Number 14-102002, authorizing him to perform the functions of a pharmacy technician in the State of Kansas (“Respondent’s Registration”).
2. On or about October 2, 2017, the Board received notification that Respondent had tested positive for a schedule I controlled substance in violation of Respondent’s employer’s drug and alcohol policy, and was subsequently terminated from employment.

3. On October 2, 2017, the Board requested information concerning the failed test from Respondent's employer via subpoena.

4. On November 2, 2017, the Board received documents from Respondent's employer, indicating that Respondent had been terminated due to a failed drug test for marijuana. Respondent was terminated from employment on or about September 28, 2017.

CONCLUSIONS OF LAW

5. 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.

6. That pursuant to K.S.A. 65-1627(a)(3), the Board may revoke a license to a pharmacist if a licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

7. That pursuant to K.S.A. 65-1626(ccc) unprofessional conduct means conduct likely to harm the public.

8. That pursuant to K.S.A. 65-1627(a)(5), the Board may revoke a license if a licensee is found to have violated the uniform controlled substances act of Kansas.

9. Respondent's use and later detection of a schedule I controlled substance are evidence of unprofessional conduct and a violation of the uniform controlled substance act of Kansas, therefore being grounds to revoke Respondent's pharmacy technician license pursuant to K.S.A. 65-1626(ccc) and K.S.A. 65-1627(a)(5).

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:

10. 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.

11. 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.

12. 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.

13. 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.

12/28/17
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 28 day of December, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

William Ndumbi
12550 S Parker Terrace
Olathe, KS 66061



Kansas Board of Pharmacy Staff