

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JUL 08 2016
JUL 19 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
CARRIE NEWELL)
 Pharmacy Technician)
Registration No. 14-18814)

Case No. 16-064

SUMMARY ORDER OF REVOCATION

NOW on this 19 day of July, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Carrie Newell, 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 Investigation Member 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 14-18814 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. On March 20, 2016, Kendrick Campbell, Asset Protection Manager for Wal-Mart, was notified that three patients had been shorted on their prescriptions for controlled substances.

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3. Mr. Campbell reviewed the pharmacy video surveillance and noted Respondent opening sacks and taking medication from the bottles prior to giving them to patients.

4. On March 25, 2016, Respondent was given an exit interview and signed a statement admitting that she had taken the medication for self-use.

5. On that date, an inspector for the Board received a DEA-106 form from Wal-Mart Pharmacy as well as a phone call from Pharmacist in Charge (“PIC”) Julie Hackney informing her of the diversion.

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 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).

8. That K.S.A. 65-1626(ccc)(5) defines unprofessional conduct to include the unlawful possession of drugs.

9. That K.S.A. 65-1626(ccc)(7) defines unprofessional conduct to include conduct likely to deceive, defraud, or harm the public.

10. That the Board may take action against the license of a pharmacist for self-administering any controlled substance without a practitioner’s prescription as set forth in K.S.A. 65-1627(a)(13).

11. The Respondent violated K.S.A. 65-1626 when she stole medications from her employer.

12. That Respondent violated K.S.A. 65-1627(a)(13) when she self-administered the stolen controlled substances without a valid prescription.

13. The Respondent's conduct in stealing drugs from her employer, Respondent's admitted self-use, and the Respondent's disregard for the potential harmful effects of her actions to the public are basis 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:

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:

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

IT IS SO ORDERED.

Date



Michael Lonergan, R.Ph.
Investigation Member
Kansas Board of Pharmacy

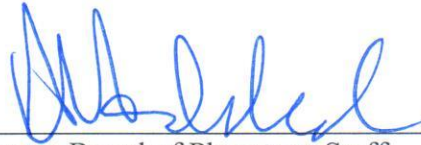
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 19 day of July, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Carrie Newell
205 N. Lincoln
Marion, KS 66861

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