

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

APR 15 2015

KANSAS STATE BOARD OF PHARMACY

In the Matter of )  
 )  
BRENDA POLZIN )  
 Pharmacy Technician )  
 Registration No. 14-05488 )

Case No. 15-023

SUMMARY ORDER OF REVOCATION

NOW on this 14<sup>th</sup> day of April, 2015, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Brenda Polzin, 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 14-05488 authorizing her to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. During the period of October 2013 through mid-February 2015, Respondent worked as a pharmacy technician in the CVS Pharmacy # 5261 location in Prairie Village, Kansas (the "CVS Pharmacy").

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3. Respondent has admitted that during the period of October 2013 through October 2014, she stole approximately 1,040 generic Hydrocodone tablets, a controlled substance for which she did not have a valid prescription, from the CVS Pharmacy and self-administered them. Respondent has further admitted that during the period of October 2014 through the time of her termination in mid-February 2015, she stole approximately 460 generic Tylenol #3, a controlled substance for which she did not have a valid prescription, from the CVS Pharmacy and self-administered them. Finally, Respondent has admitted that she is addicted to the drugs she stole.

#### CONCLUSIONS OF LAW

4. 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.

5. 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).

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

7. That the Board may take action against the license of a pharmacist, pursuant to K.S.A. 65-1627(a)(13), for self-administering any controlled substance without a practitioner's prescription order or mid-level practitioner's order. That additionally, the Board may take action against the license of a pharmacist, pursuant to K.S.A. 65-1627(a)(4), for being addicted to such a degree as to render the pharmacist unfit to practice the profession of pharmacy.

8. The Respondent's conduct in stealing drugs from her employer and self-administering the drugs is a 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:

9. 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.

10. 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.


11. 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.

12. 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:

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

IT IS SO ORDERED.

4/14/15  
Date

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

CERTIFICATE OF SERVICE

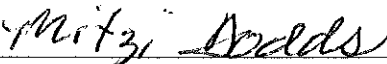
I hereby certify that I did, on the 15<sup>th</sup> day of April, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Brenda Polzin  
8922 W. 101<sup>st</sup> St.  
Overland Park, KS 66212

Randall J. Forbes  
Frieden, Unrein & Forbes, LLP  
1414 SW Ashworth Pl., Ste. 201  
Topeka, KS 66604

and the original to:

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

  
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Kansas Board of Pharmacy Staff