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KANSAS STATE  
Board of Pharmacy

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**BEFORE THE KANSAS STATE BOARD OF PHARMACY**

In the Matter of )  
 ) Case No. 11-82  
Kaesha Sanders )  
Kansas Registration No. 14-09245. )

**PETITION AND NOTICE OF INTENT TO REVOKE REGISTRATION**

COMES NOW the Kansas Board of Pharmacy (the "Board") and reviews the file on Kaesha Sanders, Pharmacy Technician (the "Respondent").

THEREUPON, being duly advised in the matter, the Board finds that:

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. § 65-1626, *et seq.*) (the "Pharmacy Act") and with the enforcement of the rules and regulations promulgated thereunder.

2. The Board is authorized to initiate proceedings to revoke any license, registration, or permit issued by the Board under the provisions of the Pharmacy Act. More specifically, 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 authorized the Board to take action against the license of a pharmacist under K.S.A. § 65-1627, and amendments thereto. K.S.A. § 65-1663(e)(1).

3. Respondent is currently registered as a pharmacy technician in the State of Kansas having been issued Registration No. 14-09245.

4. Pursuant to laws and regulations pertaining to registration of pharmacy technicians, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act (K.S.A. § 77-501, *et seq.*) (“KAPA”). K.S.A. § 65-1663(e)(4). Such proceedings may result in suspension, revocation, and other disciplinary actions affecting Respondent’s ability to work as a registered pharmacy technician in the State of Kansas.

5. K.S.A. § 65-1663(e)(1) provides:

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. K.S.A. § 65-1627(a)(3) provides:

(a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: . . . (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

7. K.S.A. § 65-1626(rr) defines unprofessional conduct as:

. . . (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison; (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled; . . . (5) unlawful possession of drugs and unlawful diversion of drugs to others; . . . (7) conduct likely to deceive, defraud or harm the public; . . .

8. K.S.A. § 65-1627(g) provides: "Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas Administrative Procedure Act."

INFORMATION WHICH EVIDENCES THAT  
THE REGISTRATION OF KAESHA SANDERS AS A PHARMACY TECHNICIAN  
IN THE STATE OF KANSAS SHOULD BE REVOKED.

9. Respondent was terminated from employment at CVS Pharmacy #8559, 3106 S. Prospect, Kansas City, Missouri 64128 on November 23, 2010 for failure to comply with CVS' investigation of diversion of controlled substances for which she was a suspect.

10. Respondent was observed on surveillance video removing hydrocodone/apap 10/325 from pharmacy shelves on November 17, 2010 when there was no reason to do so.

11. The pharmacy did not dispense any hydrocodone/apap 10/325 that day or anytime before November 22, 2010.

12. CVS determined that the hydrocodone/apap 10/325 was short 920 tablets between November 11, 2010 and November 22, 2010.

13. On November 23, 2010, pharmacists counted the hydrocodone/apap 10/325 and 7.5/750 before the opening of business and found that the pharmacy was short 294 tablets of 10/325 and 321 of 7.5/750.

14. On November 23, 2010, pharmacists found empty bottles of hydrocodone/apap 10/325 and 7.5/750 and alprazolam 1mg on top of the trash in the pharmacy.

15. A pharmacist ran a usage report for November 22, 2010 which documented that one prescription for twenty of the 10/325 tablets was filled at 4:40 p.m. and one prescription for 120 of the 7.5/750 tablets was filled at 12:14 p.m. No prescriptions for alprazolam were filled on November 22, 2010.

16. Surveillance video for November 22, 2010 showed that Sanders removed a bottle of hydrocodone/apap 10/325 at 6:07 p.m. and a bottle of hydrocodone/apap 7.5/750 at 6:09 p.m.

17. Respondent left the pharmacy at 6:13 p.m. and left the store at 6:14 p.m. Respondent returned to the store at 6:17 p.m.

18. Respondent refused to cooperate with the CVS loss-prevention investigation and left the store at 4:40 p.m. on November 23, 2010.

19. The Missouri Board of Pharmacy disqualified Respondent's Missouri registration as a pharmacy technician prior to May 26, 2011.

WHEREFORE, pursuant to K.S.A. §§ 65-627, 65-1627(a)(3); 65-1626(rr)(2), (3), (5) and (7), 65-1627a and 77-501 et seq., and for the reasons stated above, petition and notice is hereby given of the Board's intent to revoke Respondent's registration as a pharmacy technician in the State of Kansas.

#### RIGHT TO HEARING

Respondent may request a hearing in accordance with the provisions of the KAPA. A written request for a hearing must be filed within fifteen (15) days of service of this petition and notice as prescribed by K.S.A. § 77-542(a). The request must be submitted to the following person at the address shown. Failure to submit a timely

request will result in a waiver of Respondent's right to a hearing, and this petition and notice will become a final order revoking Respondent's registration as a pharmacy technician in the State of Kansas.

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

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of October, 2011.

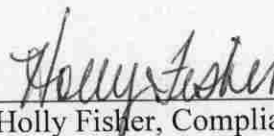


Investigative Board Member  
Kansas Board of Pharmacy  
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(tel.) 785.296.4056  
(fax) 785.296.8420

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of October, 2011, I deposited a true and correct copy of the above and foregoing "Petition and Notice of Intent to Revoke Registration" in the United States Mail, postage prepaid, and addressed to:

Kaesha Sanders  
2118 E. 70<sup>th</sup> Terrace  
Kansas City, MO 64132.



Holly Fisher, Compliance Counsel  
Kansas Board of Pharmacy