

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By

OCT 29 2020

KANSAS STATE
BOARD OF PHARMACY

In the Matter of

Andrew P. Sigler

Case No. 20-076

FINAL ORDER

Decision

The Kansas Board of Pharmacy (Board) has carefully considered the evidence presented and reviewed the applicable statutes, regulations and policies, and hereby suspends the Pharmacy Technician Registration Number 14-18029 issued to Andrew P. Sigler (Sigler) for a period of four (4) months, upon the terms and conditions set forth hereinbelow.

Statement of Case

This matter comes on for hearing on this the 3rd day of September 2020, before the Board upon the request for a hearing submitted by Sigler on or about August 21, 2020. Sigler requested a hearing on the Board's Summary Order dated April 29, 2020 seeking to revoke Sigler's Pharmacy Technician Registration Number.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members, Bill Walden, R.Ph (appeared by video conference); Tiffany Strohmeyer, PharmD; Andrew Truong, PharmD; and, Erick Axcell, PharmD.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Sigler appeared in person by video conference and *pro se*.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Evidentiary Rulings

The Board offered Exhibits 1 through 7 for admission as evidence. Sigler had no objection to admission of Exhibits 1 through 7. Board's Exhibits 1 through 7 were admitted.

Sigler offered Exhibits A and B for admission as evidence. Counsel for the Board had no objection to admission of Exhibits A and B. Sigler's Exhibits A and B were admitted.

Findings of Fact

1. The Board issued Pharmacy Technician Registration Number 14-18029 to Sigler allowing Sigler to perform the functions of a pharmacy technician in the State of Kansas.
2. On or about September 11, 2017 Sigler submitted a renewal application for Pharmacy Technician Registration Number 14-18029.
3. Sigler's application for renewal was selected for an audit to provide proof of completing continuing education requirements.
4. Sigler failed to provide proof of completion of the required number of continuing education credits. Sigler was only required to complete ten (10) hours of continuing education credits.
5. On April 27, 2018 a Summary Order was issued to Sigler due to his failure to comply with the continuing education requirements. (Exhibit 1) Sigler was ordered to pay a penalty of \$100 and complete two (2) hours of continuing education for each hour that was missing.
6. Sigler was required to complete twenty (20) hours of continuing education to comply with the Summary Order.
7. The twenty (2) hours ordered in the Summary Order were in addition to the continuing education requirements for Sigler's next renewal period.

8. Sigler did not request a hearing on the April 27, 2018 Summary Order.
9. On October 13, 2019 Sigler submitted a renewal application for his Pharmacy Technician Registration Number. (Exhibit 2)
10. Sigler's application was approved and his Pharmacy Technician Registration Number was renewed.
11. Sigler's application was selected for audit to provide proof of completion of the required continuing education requirements.
12. A review of continuing education transcript records revealed that Sigler completed twenty-one (21) hours of continuing education between June 26 and June 29, 2018. Twenty (20) hours were required to satisfy the April 27, 2018 Summary Order, leaving only one (1) hour of continuing education to be applied to the current renewal period.
13. Sigler was required to complete a total of forty (40) hours to satisfy the April 27, 2018 Summary Order and the current renewal period continuing education requirements. (Exhibit 4)
14. On March 3, 2020 the Board sent an email to Sigler, utilizing the email on record for Sigler, requesting proof of completion of the continuing education requirements for the renewal period. (Exhibit 4)
15. On April 6, 2020 the Board sent a second request to Sigler. (Exhibit 5)
16. On April 22, 2020 the Board sent a final request to Sigler requesting proof no later than April 27, 2020. (Exhibit 6)
17. As of April 29, 2020, the date of the Summary Order of Revocation, the Board had not received any proof from Sigler.
18. A Summary Order of Revocation was issued on April 29, 2020. (Exhibit 7)

19. The Summary Order sought to revoke Sigler's Pharmacy Technician Registration due to his failure to provide proof of completion of the continuing education requirements.

20. Sigler testified he had been confused and did not realize the twenty (20) hours he had obtained in June of 2018 only applied to the penalty imposed in April of 2018.

21. Sigler testified he received the email sent in April but did not see it until June 2020 because he did not have access to his work email as he was working from home.

22. Once the hearing was scheduled Sigler completed twenty-five (25) hours of continuing education. (Exhibit B)

Applicable Statutes, Regulations and Policies

"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." K.S.A. 65-1663(f)(1).

"The board may revoke, suspend, place in a probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (9) the licensee has failed to comply with the continuing education requirements of the board for license renewal; or (15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board." K.S.A. 65-1627(a).

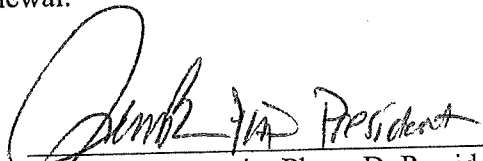
"Twenty clock-hours of continuing education shall be required for renewal of a pharmacy technician registration during each registration period. Continuing education clock-hours may be prorated for registration periods that are less than biennial at a rate of 0.8 clock-hours per month." K.A.R. 68-5-18(b).

Decision

The Board considered that Sigler failed to satisfy the continuing education requirements for pharmacy technicians in the State of Kansas. Sigler only provided proof of completion of twenty-five (25) hours, and the proof was presented after the Summary Order of Revocation was issued on April 29, 2020.

The Board voted 4-0 to suspend Sigler's Pharmacy Technician Registration Number for a period of four (4) months.¹ Sigler is ordered to pay a penalty of \$200 for violation of the continuing education requirements and \$100 for failure to respond to the request for information. Sigler is also ordered to pay the costs of the hearing in the amount of \$803.41 pursuant to K.S.A. 65-1627h. Finally, it was determined that Sigler shall complete two (2) continuing education hours for every hour he failed to satisfy at the time of the application for renewal. Sigler was required to complete a total of 38 hours to satisfy the hours that had not been previously completed.² This is in addition twenty (20) hours required before Sigler's next renewal.

10/29/2020
Date


Jonathan Brunswig, PharmD, President
Kansas Board of Pharmacy

¹ Board member E. Axcell abstained from the deliberations and decision.

² Sigler had one (1) hour that carried over from the previous Summary Order, leaving nineteen (19) hours to be completed.

NOTICES

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244

Certificate of Service

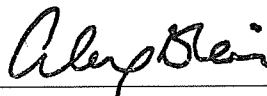
On October 29, 2020, I certify that a copy of the foregoing was deposited in business mail, which is then placed in the United States first class mail, postage prepaid, addressed to:

Andrew Sigler
1213 W. 25th St.
Lawrence, KS 66046

Randall Forbes
Frieden & Forbes, LLP
1414 SW Ashworth Place, Ste 201
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi
Executive Secretary
Kansas State Board of Pharmacy
800 SW Jackson #1414
Topeka, KS 66612-1244



Staff Person
Kansas Board of Pharmacy