

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
DEREK SETH STEARNS) Case No. 16-015
 Pharmacy Technician)
 Registration No. 14-18782)

SUMMARY ORDER OF REVOCATION

NOW on this 31 day of March, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Investigation Member, the matter of Derek Seth Stearns, 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, the Investigation member 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 14-18782 authorizing him to perform the functions of a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. At all times relevant hereto, Respondent was employed as a Pharmacy Technician in the Dillon Pharmacy location at 425 N. Summit in Arkansas City, KS (“Dillon Pharmacy #38”).

3. Respondent has admitted that since around June 2016 he slowly began stealing controlled substances from Dillon Pharmacy #38, including diazepam, lorazepam, alprazolam, clonazepam, and carisoprodol. It is unclear what Respondent did with the controlled substances after the alleged diversion.

4. The Board received a notification of the theft/loss of controlled substances from the district pharmacy manager of Dillon Pharmacy #38, including the Respondent’s voluntary statement. Subsequently, the Board’s inspector conducted an investigation.

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 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).

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

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

9. The Respondent's conduct in stealing drugs from his employer and the Respondent's disregard for the potential harmful effects of his action 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:

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

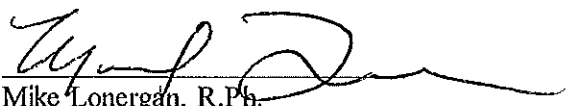
Matter of Derek Seth Stearns, No. 16-015 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF REVOCATION

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IT IS SO ORDERED.

3/30/14
Date


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

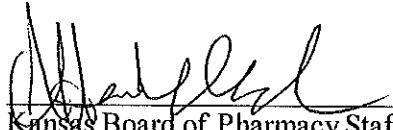
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of March, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Derek Seth Stearns
5140 West 103rd St. South
Peck, KS 67120

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