

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Cody Steele )  
14-103664 )  
\_\_\_\_\_ )

Case No. 16-184

**SUMMARY ORDER OF DENIAL**

NOW on this \_\_\_ day of August, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Cody Steele, ("Applicant"), for application for a Kansas pharmacy technician application.

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 Executive Secretary enters this Summary Order of Denial in the above-captioned matter. After reviewing the application 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. On July 24, 2017, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. Applicant is currently licensed as a pharmacist in the State of Missouri, License No. 2013026251.

3. As part of Applicant's Application he answered "Yes" to the question: "Have you ever been the subject of any disciplinary action taken against a professional license or registration?"

4. Applicant submitted with his Application a completed Form S-150 Personal History, detailing an incident from Missouri in January 2014, in which Applicant improperly filled a morphine sulfate prescription resulting in the opioid overdose death of the patient.

5. Applicant explained in his Form S-150 that he had missed a portion of the prescription from the prescriber that listed the correct dosage of 20mg/5ml to be dispensed to the patient, and Applicant instead dispensed the incorrect amount of 20mg/ml.

6. Applicant explained in his Form S-150 that the high workload and stress of the pharmacist profession contributed to the incident in improperly filling the morphine sulfate prescription in question.

7. In February 2016, Applicant was placed on 12-months' probation by the Missouri Board of Pharmacy.

8. Applicant successfully completed the Missouri Board of Pharmacy probation on February 11, 2017.

#### CONCLUSIONS OF LAW

9. 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.

10. That pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to a licensee who has been found to be guilty of professional incompetency.

11. That pursuant to K.S.A. 65-1627(a)(6), the Board may deny the granting of a license to a licensee who has found by the Board to have filled a prescription not in strict accordance with the directions of the practitioner.

12. Applicant admitting that stress contributed to an oversight of the proper dispensing of a prescription that caused the death of a patient is evidence of professional incompetency and grounds to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3).

13. Applicant failing to dispense a prescription in strict accordance with the directions of the prescriber is grounds to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(6).

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

#### NOTICES

Applicant is hereby notified as follows:

14. Applicant 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 denying Applicant'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:

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

IT IS SO ORDERED.

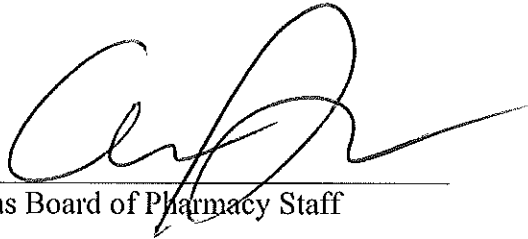
8/24/17  
Date

  
\_\_\_\_\_  
Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24 day of August, 2017 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Cody Steele  
3804 Churchill Ct  
Saint Joseph, MO 64506



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Kansas Board of Pharmacy Staff