

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Tony Tran)
1-14121)
_____)

Case No. 18-533B

SUMMARY ORDER

NOW on this 31 day of August, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Tony Tran ("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 Executive Secretary enters this Summary Order 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 Executive Secretary makes the following findings of fact:

1. On July 25, 2018, a Board Inspector conducted a routine inspection of Walgreens #6113.
2. During the inspection, the Board Inspector noticed the technician registration card belonging to Melissa Jones showed an expiration of October 31, 2014.
3. The Board Inspector spoke to Ms. Jones during the inspection and asked her to post the current registration. Ms. Jones stated that she would not post the registration with the address on the registration.

4. After Ms. Jones informed the Board Inspector that she would not post the registration with the address listed on it, the Board Inspector informed Ms. Jones that she could cover the address up like other technicians had done, but Ms. Jones again stated that she would not post it. The Board Inspector then informed Ms. Jones that she would be in violation of the regulations stating the registration card must be posted in the area where the technician is working.

5. Ms. Jones's registration was last renewed on November 1, 2016 and should have been posted by November 1, 2016.

6. Respondent has been the Pharmacist in Charge (PIC) of Walgreen's Pharmacy #6113 since February 2, 2015.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. Pursuant to K.S.A. 65-1663(j), every registered pharmacy technician shall display the current registration in that part of the place of business in which such person is engaged in pharmacy technician activities.

3. Pursuant to K.S.A. 65-1663(i), it shall be the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board, and the supervising pharmacist shall be responsible for the acts

and omissions of the pharmacy technician in the performance of the pharmacy technician's duties.

4. Ms. Jones violated K.S.A. 65-1663(j) by failing to post her current technician registration.

5. Respondent violated K.S.A. 65-1663(i) by failing to ensure his pharmacy technician, Ms. Jones, was in compliance with the applicable rules and regulation of the board.

6. Because Respondent violated K.S.A. 65-1663(i), the Board may impose a fine upon Respondent pursuant to K.S.A. 65-1658.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine to the Board. Respondent is ordered to pay a fine of \$250.00 to the Board for violating K.S.A. 65-1663(i). Respondent has 30 days from the date of this order to pay the full \$250.00.

NOTICES

Applicant is hereby notified as follows:

7. 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.

8. 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.

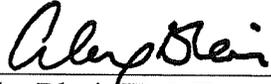
9. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

10. 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.

8/30/18
Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31 day of August, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Tony Tran
13210 E Bridlewood Court
Wichita, KS 67230



Kansas Board of Pharmacy Staff