

BEFORE THE KANSAS BOARD OF PHARMACY



In The Matter Of)
)
Ashley L. Tripp)
REGISTRATION NO, 14-03842)
_____)

Case No. 05-64

AGENCY ORDER

Ashley L. Tripp, (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued her Registration No. 14-03842.

It has come to the attention of the Board's Investigation Member that Respondent had knowledge of a drug diversion by a fellow employee and failed to report it to her employer.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to her by the Board, enters the following agency order.

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent Registration No. 14-03842 which entitled her to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").
2. The Respondent had knowledge that a fellow employee diverted drugs

from the Respondent's employer. That the Respondent failed to provide any information to her employer about the theft even though she had knowledge of said theft.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a registration number on July 18, 2005 pursuant to K.S.A. 65-1663.
2. That pursuant to K.S.A. 65-1663 (f) 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.
3. That the Board may take action against the license of a pharmacist for violating any provision of the federal uniform controlled substance act or any rule and regulation adopted under such act. K.S.A. 65-1627(5).
4. That pursuant to 21 CFR 1301.91 reports of drug diversion by fellow employees is a necessary part of an overall security program and serves the public interest at large. It is the position of the DEA that an employee who has knowledge of a drug diversion from her employer by a fellow employee has an obligation to report such information to a responsible security official of the employer. A failure to report information of drug diversion will be considered in continuing to allow an employee to work in a drug security area.

ORDER

Based upon the foregoing findings and conclusions, Respondent's Registration is hereby revoked.

II. NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

2. 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.

3. 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.

4. 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:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231

IT IS SO ORDERED.

Date

11/3/05

JoAnne Gilstrap, R.Ph.
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 3 day of November, 2005, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Ashely L. Tripp
637 S. Troost
Olathe, KS 66061

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231