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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

April 18, 2024

Susan Janda
919 S 106 Plz H602
Omaha NE 68114

RE: Case No. 23-093

Dear Ms. Janda:

Enclosed you will find a Final Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, costs have been assessed totaling \$519.75. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Susan Janda

Case No. 23-093

License Number 14-101343

FINAL ORDER

Decision

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) that the Summary Order revoking the Kansas pharmacy technician registration issued to Susan Janda (Janda) be affirmed.

Statement of Case

On February 22, 2024, the Board convened a hearing to review Janda's request to have the hearing on the Summary Order of Revocation issued on July 26, 2023.

Appearing for the Board were: Erick Axcell, Pharm D, Vice President; and members: Jonathan Brunswig, PharmD; Bill Walden, RPh; Tiffany Strohmeyer, PharmD; Andrew Truong, Pharm D; and Lucinda Noches Talbert, Public Member.

Janda failed to appear and is otherwise in default for failing to participate in the adjudicative process.¹

Brenda Head (Head) appeared as Disciplinary Counsel for the Board. Alexandra Blasi (Blasi), Executive Secretary of the Board, appeared and testified.

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

Evidentiary Rulings

Head offered Exhibits 1 through 10 for admission as evidence. Exhibits 1 through 10 were admitted as evidence.

¹ Janda called the Board of Pharmacy office on the day of the hearing and left a voicemail indicating she was unable to drive to Topeka from Nebraska, indicating she had just received the Notice of Hearing that was mailed to her last known address of record on February 5, 2024. *See* K.S.A. 77-520.

Findings of Fact

1. The Board issued Kansas pharmacy technician registration number 14-101343 to Janda allowing Janda to perform the functions of a pharmacy technician in the State of Kansas.
2. On October 28, 2022, Janda submitted a renewal application for her pharmacy technician registration. The application includes a provision indicating that the applicant certifies they have completed all continuing education requirements associated with renewal of the registration.
3. Janda's application was approved, and her Kansas pharmacy technician registration number was renewed.
4. Janda's renewal application was selected for an audit to provide proof of completion of the required continuing education hours.
5. On February 28, 2023, Janda sent an email to the Board along with screenshots of continuing education hours presented by Tech Lectures. [Exhibit 1]. In the Board's response it was noted that the continuing education hours had to be accepted by the Accreditation Council for Pharmacy Education (ACPE) or accepted by another state board of pharmacy.
6. On March 27, 2023, a Summary Order was issued to Janda by the Board. [Exhibit 2]. The Summary Order indicated that Janda had not provided proof of completion of any continuing education hours, failing to complete the required twenty (20) hours, in violation of Kansas Administrative Regulation (K.A.R.) 68-5-18. The Summary Order ordered Janda to pay a fine of \$100 by April 28, 2023, and complete forty (40) hours of additional ACPE-approved continuing education and provide proof to the Board by May 26, 2023.²
7. Blasi testified that Janda did not appeal the March 27, 2023, Summary Order.
8. On April 28, 2023, the Board received a check from Janda in the amount of \$100.00 as payment of the fine ordered on March 27, 2023. [Exhibit 3].
9. On May 30, 2023, the Board sent a letter to Janda restating the requirement in the March 27, 2023, Summary Order that Janda complete forty (40) hours of continuing education and advising that as of the date of the letter, the Board had not received proof of completion of the continuing education hours. [Exhibit 4]. Janda was given until June 29, 2023, an additional thirty (30) days, to provide proof of completion, or the matter may be referred for further disciplinary action.
10. On July 3, 2023, a letter was emailed to Janda at the email on record. [Exhibit 5].

² The forty (40) hours was a penalty requiring two (2) hours of continuing education for each hour of missing continuing education.

Janda was granted an additional fifteen (15) days to submit proof of completion of the required continuing education hours.

11. A Summary Order of Revocation was issued on July 26, 2023. [Exhibit 6].

12. The Summary Order sought to revoke Janda's pharmacy technician registration number due to her failure to provide proof of completion of the required continuing education hours.

13. On August 14, 2023, the Board received a letter from Janda indicating she had completed her continuing education hours and had mailed proof and requesting a hearing on the Summary Order of Revocation. [Exhibit 7]. Janda wrote that she had used the same provider for her continuing education that she had "used every time." Janda also indicated she had medical issues since January and a family death.

14. On August 15, 2023, the Board reviewed Janda's records as maintained by the National Association of Boards of Pharmacy (NABP) and confirmed Janda had completed zero (0) continuing education hours since November 1, 2022. [Exhibit 8].

15. A Notice of Administrative Hearing was mailed to Janda at her last address of record with the Board on February 5, 2024, notifying Janda the matter was set for an evidentiary hearing to be conducted on February 22, 2024, at 1:30 p.m. [Exhibit 10].

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."³

"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."⁴

"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."⁵

³ K.S.A. 65-1663(f)(1).

⁴ K.S.A. 65-1627(a).

⁵ K.A.R. 68-5-18(b).

Decision

The Board considered that Janda failed to satisfy the continuing education requirements for pharmacy technicians in the State of Kansas. Janda failed to provide proof of completion of the forty (40) hours of continuing education that was ordered in the Summary Order issued on March 27, 2023.

The Board voted 6-0 to affirm the Summary Order of Revocation and revoke Janda's Kansas pharmacy technician registration number.

Because Janda did not prevail, it is also ordered that she pay the costs of the hearing in the amount of \$519.75.⁶

Apr 17, 2024
Date

Erick Axcell
Erick Axcell (Apr 17, 2024 15:02 CDT)
Erick Axcell, Pharm D, Vice President
Kansas Board of Pharmacy

Prepared by:
Loren F. Snell, Jr.,
Presiding Officer
Office of Administrative Hearings

⁶ K.S.A. 65-1627h.

Notices

1. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.⁷
2. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.⁸ 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.
3. 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

⁷ K.S.A. 77-529.

⁸ K.S.A. 77-613.

Certificate of Service

On April 18, 2024, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Susan Janda
919 S. 106 Plz – H603
Omaha, NE 68114

Brenda Head
Frieden & Forbes
1414 SW Ashworth Pl, 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