

BEFORE THE KANSAS BOARD OF PHARMACY

Received

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KANSAS STATE  
Board of Pharmacy

In The Matter Of )  
 )  
ASHER PHARMACY )  
LICENSE NO. 2-09044 )  
\_\_\_\_\_ )

Case No. 06-33

**AGENCY ORDER**

ASHER PHARMACY is currently licensed as a pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued license no. 2-09044. At all times relevant hereto, the Respondent has held a current license to operate a pharmacy in the State of Kansas.

The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has operated in a manner that violates the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

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 license number 2-09044 which entitles it to function as a pharmacy in the State of Kansas ("Respondent's Registration").

2. That on March 23, 2006 a routine inspection was conducted whereby an individual by the name of Lacy Brickman was performing technician functions while not being actively registered with the Board. The registration for Ms. Brickman had expired on October 31, 2005. There was no record that this individual had renewed her pharmacy technician registration with the Board of Pharmacy although she was still employed with the pharmacy as a technician. ("Investigation Report")

## 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 license number on June 29, 1998 pursuant to K.S.A. 65-1643.
2. That pursuant to K.S.A. 65-1627 (e) (1) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that (1) Such pharmacy has been operated in such a manner that violations of the provisions of the pharmacy act of the state or the rules and regulations of the board have occurred in connection therewith.
3. That K.S.A. 65-1663 (h) states in part, "it is the responsibility of the supervising pharmacist to determine that the pharmacy technician is in compliance with the applicable rules and regulations of the board."
4. That K.S.A. 65-1663 (a) states that it shall be unlawful for any person to function as a pharmacy technician in this state unless such person is registered with the Board as a pharmacy technician.