

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

ALFRED J. FLASCHEL, JR.
Kansas Reg. No. 14-02615

Case No. 06-100

FINAL AGENCY ORDER

On March 6, 2007, a hearing was held before the Kansas Board of Pharmacy (the "Board") on the Petition to Revoke, Suspend or Otherwise Limit Licensure filed in the above-captioned matter regarding Alfred J. Flaschel, Jr. ("Flaschel"). After considering the evidence admitted at the hearing, the Board enters the following final agency order.

I. FINDINGS OF FACT

1. At all relevant times Flaschel held a pharmacy technician registration issued by the Board.
2. At all relevant times Flaschel was employed as a pharmacy technician by CVS and worked at its store number 5268 in Leavenworth, Kansas.
3. On July 21, 2006 CVS received information that Flaschel may have been engaged in illegal activity.
4. CVS Regional Loss Prevention Manager Greg Leiker ("Leiker") investigated. As part of Leiker's investigation, Leiker interviewed Flaschel.
5. During the interview, Flaschel admitted that while working as a pharmacy technician at the CVS Pharmacy, he had, on multiple occasions, taken without payment or permission, drugs belonging to CVS, and for which he did not have a prescription and provided them to a third party that did not have a prescription.

II. CONCLUSIONS OF LAW

6. Pursuant to K.S.A. 65-1663(e)(1) the Board may revoke the registration of 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."

7. A pharmacist may be disciplined for the "unlawful possession of drugs and unlawful diversion of drugs to others. "K.S.A. 65-1627(a)(3) as defined at K.S.A. 65-1626(hh)(5).

8. Flaschel's conduct in illegally possessing and diverting drugs belonging to CVS is sufficient ground to revoke his registration as a pharmacy technician.

III. FINAL ORDER

Based upon the evidence introduced at the hearing held March 6, 2007 and the foregoing findings and conclusions, Flaschel's Kansas pharmacy technician registration is hereby indefinitely suspended until further order of the Board.

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

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

IT IS SO ORDERED.

Date

3/13/07



MAX HEIDRICK, R.PH.

President
Kansas Board of Pharmacy