

**BEFORE THE KANSAS BOARD OF PHARMACY**

In the Matter of

**Logan Abbott**

Case No. 18-793

**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) to affirm the Summary Order of Suspension dated July 3, 2019, under the terms and conditions set forth hereinbelow.

**Statement of Case**

This matter comes on for hearing on this the 2<sup>nd</sup> day of December 2019, before the Board upon the appeal by Logan Abbott (Abbott) appealing the Summary Order of Suspension issued by the Board on July 3, 2019.

Appearing for the Board were: John Worden, PharmD, President; and members, Jonathan Brunswig, PharmD; Bill Walden, R.Ph; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; and, Cheri Pugh, Public Member.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Abbott appeared in person and with counsel, Diane L. Belquist.

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

### **Evidentiary Rulings**

The Board offered Exhibits 1 through 21 for admission as evidence. Abbott had no objection to admission of Exhibits 1 through 19. Board's Exhibits 1 through 19 were admitted. As to Exhibit 21, it was noted that it contained confidential information. There was no objection to the admission of Exhibit 21 as a sealed document. Exhibit 21 was admitted and sealed for the purpose of safeguarding protected health information contained therein. Abbott objected to the admission of Exhibit 20. Having heard the arguments of counsel as to the admission of Exhibit 20, the Presiding Officer admitted Exhibit 20, noting that it could be relevant to the Board's consideration, although not relevant to the specific facts of this matter, and the Board would be advised to determine the weight and credit to be given to the evidence as part of the deliberations.

Abbott offered Appellant's Exhibits A through N for admission as evidence. Counsel for the Board had no objection. Appellant's Exhibits A through N were admitted into evidence.

Due to the confidential nature of the testimony to be provided during the hearing, Abbott requested that the hearing be closed to the public to safeguard protected health information. Disciplinary counsel for the Board had no objection to the matter being closed to the public. The hearing was closed.

### **Findings of Fact**

1. On March 28, 2019, Abbott and the Board entered into a Consent Agreement. (Exhibit 5)
2. The Consent Agreement was entered into in response to an investigation that had been conducted in which it was concluded that Abbott had been self-medicating and diverting controlled substances from his previous place of employment. The Consent Agreement allowed Abbott to retain his Kansas license to practice pharmacy; however, Abbott was to cease practicing

as a pharmacist, subject to receiving written consent from the Board to resume, and was to enter into a Statement of Understanding agreement with the Kansas Pharmacists Association Kansas Pharmacists Recovery Network (KsPRN) for a period of no less than five (5) years, and fully cooperate with the recommendations of KsPRN. Violation of the terms and conditions of the Consent Agreement would serve as grounds for disciplinary action.

3. Kelly Rockers (Rockers) is the Coordinator of Member Services and KsPRN Manager.

4. On March 30, 2019, Abbott executed a KsPRN Substance Abuse Program Board Referred Statement of Understanding (Statement of Understanding). (Exhibit 7) Pursuant to the Statement of Understanding, Abbott was prohibited from using “any mood altering drugs of addiction, including alcohol and/or prescription medications unless prescribed by my physician.” Abbott was required to undergo monitoring by FirstSource Solutions and participate in the drug screening program.

5. On April 4, 2019, Abbott signed a KsPRN document setting forth Products of Concern. (Exhibit 8). This document set forth the products that could not be used and might result in a positive drug screen during the period covered by the Statement of Understanding.

6. On June 5, 2019, Rockers sent an email to the Board informing that Abbott had tested positive for marijuana and amphetamine during drug screens administered during the months of April and May 2019. (Exhibit 9)

7. On June 10, 2019, Rockers sent a follow up email to the Board advising that Abbott had acknowledged to Rockers that he had ingested amphetamines he obtained from his brother. (Exhibit 10) According to the screening results attached to the email, Abbott tested positive for

marijuana on April 30, May 6, and May 21, 2019, and tested positive for amphetamines on May 21, 2019.

8. On June 14, 2019, Rockers sent an email to the Board. (Exhibit 11) According to the email and the attached results, Abbott's drug screen indicted a positive result for Ethyl Glucuronide and Ethyl Sulfate, alcohol, for a screen conducted on May 28, 2019, a day after Abbott returned from a trip to Costa Rica. The screen also indicated it was a dilute test, meaning that Abbott had drank a considerable amount of water prior to the test. In an email thread with Rockers, Abbott acknowledged that he had drank wine during a layover on his trip back from Costa Rica. (Exhibit 12)

9. On June 24, 2019, Abbott sent an email to Rockers notifying her that he had suffered an amphetamine relapse, followed by having a glass of wine with his parents on Father's Day. (Exhibit 13)

10. Abbott had a positive drug screen on June 17, 2019. (Exhibit 14)

11. Abbott entered into intensive outpatient treatment through Alcohol and Drug Addiction Professional Treatment (ADAPT) on April 8, 2019. (Exhibit 15) Abbott was discharged from ADAPT on June 25, 2019 and referred to Holland Pathways, an inpatient program. Abbott's discharge from ADAPT appeared to be due to "several relapses" Abbott had while with ADAPT. Abbott was scheduled to report to Holland Pathways on June 26, 2019. Abbott completed the inpatient program at Holland Pathways on July 19, 2019. (Exhibit F)

12. Abbott resumed drug screens on July 30, 2019, in compliance with the Statement of Understanding with KsPRN. (Exhibit 14) Each drug screen from after July 30, 2019 came back negative.

13. The Committee on Impaired Pharmacy Practice (CIPP) recommended that Abbott maintain compliance, remain drug free, for a period of one (1) year, starting on the date that he entered into intensive inpatient drug treatment on June 26, 2019. (Exhibit 18)

14. Ralph Holbrook (Holbrook) is the chair of the CIPP. Holbrook stated that the reason for recommending a one-year sobriety was that if an individual can make it through the first year they are more likely to succeed.

15. Holbrook stated that the purpose is to avoid relapse. Holbrook noted that pharmacists are in a high-risk profession for relapse due, at least in part, to their access to drugs.

16. Stephanie Roberts (Roberts) is with ADAPT. Roberts was not Abbott's counselor but did perform the initial evaluation. Roberts opined that Abbott should be allowed to continue working towards re-establishing his career as a pharmacist. Roberts acknowledged that she was only familiar with one relapse by Abbott and that Abbott would not be ready to practice if he were still using drugs.

17. Abbott voluntarily entered into the Statement of Understanding with KsPRN. Abbott voluntarily entered in to outpatient and, subsequently, inpatient treatment. Abbott explained the history of events that led to his drug use and stated that he had no objection to the proposed modification of the date of the Statement of Understanding with KsPRN to June 26, 2019. Abbott also stated that he is currently seeing a counselor once a week.

#### **Applicable Statutes, Regulations and Policies**

“The board may revoke, suspend, place in probationary status or deny an application or renewal of any license of any pharmacist upon a finding that: (13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level

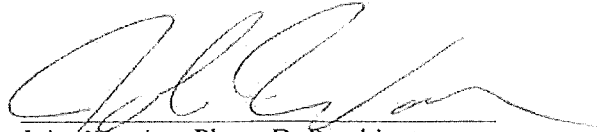
practitioner's prescription order; or (16) the licensee has violated or failed to comply with any lawful order or directive of the board.” K.S.A. 65-1627(a).

The Board took into consideration that Abbott had entered into a Consent Agreement in which he had agreed to enter into a Statement of Understanding with KsPRN, which he did. However, Abbott was also agreed to “at all times, be in full compliance with the requirements of the KsPRN Agreement and other requirements placed upon him by KsPRN.” One of the conditions of the Statement of Understanding was that Abbott was prohibited from using “any mood altering drugs of addiction, including alcohol and/or prescription medications unless prescribed by my physician.” On multiple occasions Abbott failed to comply with the Statement of Understanding, having relapsed. The Board noted that based upon Abbott’s actions, it was within the Board’s statutory authority to revoke Abbott’s pharmacist license, not just suspend it. Of particular concern was the method by which Abbott was taking drugs from the Auburn Pharmacy, drinking the drugs straight from the bottle, posing a significant safety risk to patients receiving those drugs.

### **Decision**

The Board voted 5 in favor, none opposed and 1 abstention to suspend Abbott’s pharmacist license for a period of one (1) year from the date of the hearing (December 2, 2019). During the period of suspension Abbott is to abstain from the use of “any mood altering drugs of addiction, including alcohol and/or prescription medications unless prescribed by my physician” and remain in compliance with the Statement of Understanding entered into with KsPRN. Should Abbott fail to abstain, then the one (1) year suspension shall begin anew on the day following his failure to abstain. The Board further extended the terms and conditions of the Consent Agreement for a period of five (5) years from the date of the hearing.

2-6-2020  
Date

  
John Worden, PharmD, President  
Kansas Board of Pharmacy

**NOTICES**

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. 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.
4. 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

**Certificate of Service**

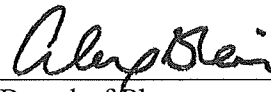
I hereby certify that I did, on the 14<sup>th</sup> day of February, 2020 deposit in business mail a copy of the foregoing Final Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Diane L. Bellquist  
Joseph, Hollander & Craft, LLC  
1508 SW Topeka Blvd.  
Topeka, KS 66612

Randall Forbes  
Frieden & Forbes, LLP  
1414 SW Ashworth Place, 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

  
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Kansas Board of Pharmacy