

**BEFORE THE IOWA BOARD OF PHARMACY**

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RE:  
Certified Technician Registration of  
  
**STEPHANIE CARBERRY**  
Registration No. 17243  
Respondent.

CASE NO. 2017-31

**SETTLEMENT AGREEMENT AND  
FINAL ORDER**

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Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2017), and 657 IAC 35.24, the Iowa Board of Pharmacy ("Board") and Stephanie Carberry ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board filed a Notice of Hearing and Statement of Charges on November 1, 2017.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent acknowledges that the allegations contained in the Statement of Charges, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
4. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
5. Respondent acknowledges that she has the right to be represented by counsel on this matter.
6. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
7. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

8. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

9. This Order shall not be binding as to any new complaints received by the Board.

10. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

12. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

13. Respondent agrees to **VOLUNTARILY SURRENDER** her certified technician registration to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation pursuant to 657 IAC 36.8.

14. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her certified pharmacy technician registration is reinstated. Any request for reinstatement will be governed by 657 IAC 35.36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 2 day of January, 2018

  
STEPHANIE CARBERRY  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 16 day of January, 2018.

  
Chairperson  
Iowa Board of Pharmacy

**BEFORE THE IOWA BOARD OF PHARMACY**

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RE:  
Certified Technician Registration of  
  
**STEPHANIE CARBERRY**  
Registration No. 17243  
Respondent.

CASE NO. 2017-31

**NOTICE OF HEARING AND  
STATEMENT OF CHARGES**

**COMES NOW** the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Stephanie Carberry (“Respondent”), 1037 Simms Ave, Council Bluffs IA 51503, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.6 and 35.7. Respondent’s Iowa certified technician registration number 17243 is currently active through January 31, 2018.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on January 16, 2018, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8<sup>th</sup> St, Ste E, Des Moines IA 50309.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board either by e-mail, if done in compliance with 657 IAC 35.17(2), to [Amanda.Woltz@iowa.gov](mailto:Amanda.Woltz@iowa.gov), or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8<sup>th</sup> St, Ste E, Des Moines IA 50309.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC chapter 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to [Laura.Steffensmeier@iowa.gov](mailto:Laura.Steffensmeier@iowa.gov), or by mail/delivery to the following address:

Laura Steffensmeier  
Assistant Attorney General  
Hoover State Office Building—2<sup>nd</sup> Floor  
1305 E Walnut St  
Des Moines IA 50319

Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 155A, and 272C (2017).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 155A and 272C, and 657 IAC chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.27.

## **C. STATEMENT OF CHARGES**

### **COUNT I**

#### **DIVERSION OF PRESCRIPTION DRUGS**

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, and may be disciplined pursuant to Iowa Code section 155A.6A(5) and 657 IAC 36.6(37).

### **COUNT II**

#### **VIOLATING A STATUTE RELATED TO THE PRACTICE OF PHARMACY**

Respondent is charged with violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy or the distribution of controlled substances,

prescription drugs, or nonprescription drugs, and may be disciplined pursuant to Iowa Code section 155A.6A(5) and 657 IAC 36.6(10).

**D. FACTUAL CIRCUMSTANCES**

1. Respondent was employed at Walgreens 4405 in Council Bluffs, Iowa.
2. In December 2016, Respondent diverted approximately 270 tablets of hydrocodone from her place of employment.
3. On August 16, 2017, Respondent pled guilty to Theft in the Third Degree and Unlawful Possession of a Controlled Substance Without a Valid Prescription-Hydrocodone, in Pottawattamie County, Iowa.

**E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three (3) business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

**F. FINDING OF PROBABLE CAUSE**

On this 1<sup>st</sup> day of November, 2017, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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Chairperson  
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier  
Assistant Attorney General  
Hoover State Office Building—2<sup>nd</sup> Floor  
1305 E Walnut St  
Des Moines IA 50319  
ATTORNEY FOR THE STATE

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).