

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: ) Case No. 2009-17  
Pharmacy Intern Registration of: )  
**TIMOTHY J. ALBERTS,** ) **STATEMENT OF CHARGES**  
Registration No. 3877, )  
Respondent. )

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2009).
3. The Board issued Timothy J. Alberts (hereinafter, "Respondent") a pharmacy intern registration number 3877, authorizing him to serve as a pharmacy intern subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was cancelled on July 2, 2008, per a letter from Drake University that Respondent was no longer enrolled in the College of Pharmacy.
4. Respondent's address of record is 2021 69<sup>th</sup> Street, Windsor Heights, Iowa 50322.
5. At all times material to this statement of charges, Respondent was employed as a pharmacy intern at Hy-Vee Pharmacy, 1725 Jordan Creek Parkway, West Des Moines, Iowa.

**A. CHARGES**

**COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS**

Respondent is charged pursuant to Iowa Code §§ 124.403(3), 155A.6(3) and 155A.21 (2009), and 657 Iowa Administrative Code § 36.1(4)(j) with unlawful possession and use of prescription drugs, including controlled substances.

**COUNT II – VIOLATING LAWS RELATED TO PHARMACY**

Respondent is charged pursuant to Iowa Code §§ 124.403(3), 155A.6(3), 155A.21, 155A.23(1)(a) and 155A.23(11) (2009), and 657 Iowa Administrative Code § 36.1(4)(i), with violating state laws related to the distribution of prescription medications including controlled substances, and the practice of pharmacy.

### COUNT III – UNLAWFUL DISTRIBUTION OF CONTROLLED SUBSTANCES

Respondent is charged pursuant to Iowa Code §§ 155A.6(3) and 124.403(3) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j), with unlawful distribution of controlled substances.

### COUNT IV – UNETHICAL CONDUCT

Respondent is charged under Iowa Code §§ 155A.6(3) and 155A.12(2) (2009), and 657 Iowa Administrative Code §§ 8.11, 8.11(1), 8.11(8) and 8.16(2), with unethical conduct, including fraud and a failure to maintain confidential patient information

### COUNT V – OBTAINING PRESCRIPTION DRUGS BY FRAUD

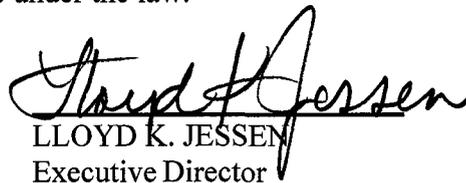
Respondent is charged under Iowa Code §§ 124.403(3), 155A.6(3) and 155A.23(11) (2009), and 657 Iowa Administrative Code § 36.1(4)(u), with obtaining prescription drugs, including controlled substances, by fraud.

### B. FACTUAL CIRCUMSTANCES

An investigation, commenced on February 24, 2009, revealed the following:

1. Respondent registered as a pharmacy intern after providing proof that he was progressing toward a degree in pharmacy at Drake University. Respondent's application for registration is dated February 19, 2007.
2. Subsequently, Respondent worked as a pharmacy intern for Hy-Vee Pharmacy, 1725 Jordan Creek Parkway, West Des Moines.
3. On July 3, 2008, Respondent changed his major from pharmacy to Bachelor of Pharmaceutical Sciences (PSCI), within the Drake University College of Pharmacy and Health Sciences.
4. Respondent continued to work as a pharmacy intern following his change of majors, and failed to inform Hy-Vee of the change.
5. In February of 2009 Hy-Vee conducted an investigation which revealed that Respondent had diverted numerous medications from Hy-Vee, including alprazolam, lorazepam and hydrocodone, and stored them at his residence. The medications were kept in containers with Hy-Vee labels, which labels reveal both patient and medication information.
6. Respondent provided a signed statement acknowledging his diversion and use of the medications taken from Hy-Vee.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
LLOYD K. JESSEN  
Executive Director

On this 17<sup>th</sup> day of August 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



SUSAN M. FREY, Vice Chair  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2009-17
Pharmacy Intern Registration of	)	
<b>TIMOTHY J. ALBERTS</b>	)	<b>STIPULATION</b>
Registration No. 3877	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

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IOWA BOARD OF PHARMACY

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Timothy J. Alberts (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board issued Respondent pharmacy intern registration 3877, authorizing him to serve as a pharmacy intern subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent's pharmacy intern registration was cancelled on July 2, 2008.
3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
4. The Board filed a Statement of Charges against Respondent on August 17, 2009.
5. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for discipline.

6. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be prohibited from the following: (a) seeking reinstatement of his Iowa intern registration, (b) seeking licensure as an Iowa pharmacist, (c) seeking registration as an Iowa pharmacy technician, or (d) seeking registration as an Iowa pharmacy support person.
7. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to impose such discipline as is authorized by Iowa Code chapters 272C and 155A (2009), and 657 IAC 36.
8. The State's legal counsel may present this Stipulation and Consent Order to the Board.
9. This Stipulation and Consent Order is a proposed settlement, subject to approval by a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
11. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 2 day of Feb 2010.

*x T. Alberts*

Timothy J. Alberts  
Respondent

Subscribed and sworn to before me by Timothy J. Alberts on this 2<sup>nd</sup> day of February 2010.



*S. Zybarth*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is approved and accepted by the Iowa Board of Pharmacy on the 10<sup>th</sup> day of March 2010.

*Vernon H. Benjamin*  
VERNON H. BENJAMIN Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

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