

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-125
Pharmacy Technician Registration of)	
DESIRAE BARATTA)	STATEMENT OF CHARGES
Registration No. 12939)	
Respondent.)	

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

1. He is the Executive Secretary/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 (2007).
3. The Board issued Desirae Baratta (hereinafter, "Respondent") a pharmacy technician registration number 12939, authorizing her to serve as a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration expired on August 31, 2008, and is delinquent.
4. Respondent's address of record is 2102 Eighth Street, Harlan, Iowa 51537.
5. Respondent was, at all times material to this statement of charges, employed as a pharmacy technician at Hy-Vee Pharmacy, 2003 Chatburn Avenue, Harlan, Iowa 51537.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged pursuant to Iowa Code §§ 155A.6(7) and 155A.21 (2007), and 657 Iowa Administrative Code § 36.1(4)(h) with unlawful possession, distribution and use of prescription drugs.

COUNT II – VIOLATING LAWS RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code §§ 124.403, 155A.6(7) and 155A.21 (2007), 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 POSSESSION OF CONTROLLED SUBSTANCES

Respondent is charged pursuant to Iowa Code §§ 155A.6(7) and 124.403 (2007), and 657 Iowa Administrative Code § 36.1(4)(j) with unlawful possession and use of controlled substances.

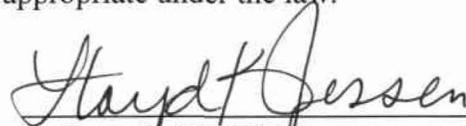
COUNT IV – FRAUD IN OBTAINING A REGISTRATION

Respondent is charged pursuant to Iowa Code §§ 155A.6(7) and 155A.23(2) and (12) (2007), and 657 Iowa Administrative Code § 36.1(4)(a) with fraud in obtaining a technician registration.

B. FACTUAL CIRCUMSTANCES

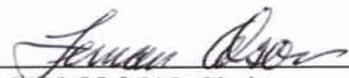
Circumstances supporting the above charges are set forth in Attachment A.

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 Secretary/Director

On this 17 day of Feb. 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



LEMAN OLSON, Chairperson
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, IA 50319

Baratta-SOC#2 12-08

VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

I, Desirae Baratta, a resident of Harlan, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my pharmacy technician registration in the State of Iowa, number 12939, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of registration shall become effective upon the notarized signature of the registrant, Desirae Baratta, on this voluntary surrender document.

I, Desirae Baratta, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- 1 My right to a formal hearing before the Iowa Board of Pharmacy on the matter of my continued registration as a pharmacy technician pursuant to Iowa Code Chapter 155A (2009).
- 2 My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- 3 My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- 4 My right to be represented by an attorney in this matter at this time.

I, Desirae Baratta do hereby acknowledge that pursuant to 657 Iowa Administrative Code § 36.13, a pharmacy technician registration which has been voluntarily surrendered shall be considered a revocation of registration with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code § 36.13, which provides as follows:

Any person ... whose pharmacy technician registration ... has been revoked or suspended must meet the following eligibility requirements for reinstatement:

1. **Prerequisites.** Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial

application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

....

3. **Proceedings.** All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license, registration, or permit. Such application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657—9.24 (17A,124B,147,155A,272C).

4. **Burden of Proof.** An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

5. **Order.** An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657 – Chapter 14.

I, Desirae Baratta, hereby further agree that I will not engage in any of the activities of a pharmacy technician in the State of Iowa for which a registration is required.

I, Desirae Baratta, specifically deny diversion of controlled substances while employed as a pharmacy technician. Therefore, this license surrender does not constitute an admission of the charges contained in the Statement of Charges, adopted February 17, 2009, by the Iowa Board of Pharmacy.

10-01-09
Date of signature

Desirae Baratta
DESIRAE BARATTA

State of Iowa,

POTTAWATTAMI County.

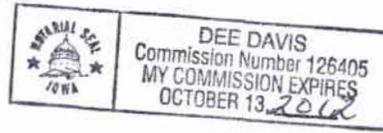
Signed and sworn to (or affirmed) before me on October 1, 2009

by Desirae Baratta.

(date)

Dee Davis

Signature of Notary Public



**BEFORE THE BOARD OF PHARMACY
OF THE STATE OF IOWA**

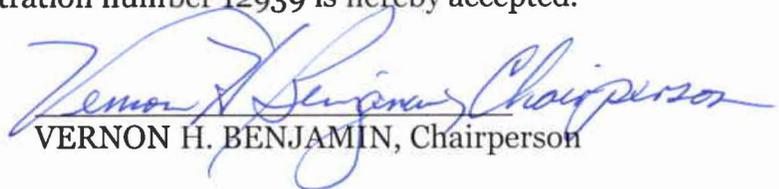
Re:)	ORDER
Pharmacy Technician Registration)	ACCEPTING
DESIRAE BARATTA,)	SURRENDER OF
Registration No. 12939)	PHARMACY TECHNICIAN
)	REGISTRATION

COMES NOW, Vernon H. Benjamin, Chairperson of the Iowa Board of Pharmacy, on the 18th day of November, 2009, and declares that:

1. On October 1, 2009, Respondent executed a voluntary surrender of her pharmacy technician registration number 12939.
2. On November 18th, 2009, the Board reviewed Respondent's voluntary surrender of her pharmacy technician registration and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacy technician registration number 12939 is hereby accepted.


VERNON H. BENJAMIN, Chairperson