

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

Re:)
Pharmacist License of)
KELLI K. CORY) **STATEMENT OF CHARGES**
License No. 17431)
Respondent)

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners 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 (1997).

3. On July 25, 1990, Kelli K. Cory, the Respondent, was issued license number 17431 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.

4. License number 17431 is current and active until June 30, 1998.

5. Respondent currently resides at 1534 S.W. 19th Street, Des Moines, Iowa.

6. Respondent is currently employed as a part-time pharmacist at the Gilfillan Clinic Pharmacy, 505 West Jefferson Street, Bloomfield, Iowa.

COUNT I

The Respondent is charged with unlawful possession of marijuana and methamphetamine in violation of 1997 Iowa Code §§ 155A.12(1) and 124.403(1)(a) and 657 Iowa Administrative Code Sections 9.1(4)(d), 9.1(4)(h), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u).

COUNT II

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(d), 9.1(4)(h), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u).

THE CIRCUMSTANCES

1. On November 24, 1997, the Board received a report from the Pleasant Hill Police Department, Pleasant Hill, Iowa, which indicated or alleged the following: Respondent was arrested on November 21, 1997, and charged with OWI 2nd offense, possession of drug paraphernalia, possession of marijuana, possession of an open container of alcohol in her vehicle, and speeding. It was alleged that she was impaired and was under the influence of a CNS stimulant.

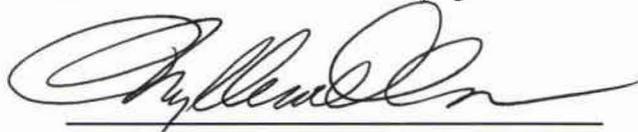
2. Laboratory analysis of a urine specimen obtained from Respondent by the Pleasant Hill Police on November 21, 1997, revealed the presence of the following controlled substances: marijuana, amphetamine, and methamphetamine.

3. On November 25, 1997, Respondent admitted to board staff that she has abused illicit drugs including marijuana and methamphetamine and that she has used alcohol excessively in the past. She also admitted that she has diverted prescription drugs from pharmacies without prescriber authorization for her own use.

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 25th day of November, 1997, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Phyllis A. Olson, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:)	
Pharmacist License of)	ORDER
KELLI K. CORY)	ACCEPTING
License No. 17431)	SURRENDER OF LICENSE
Respondent)	TO PRACTICE PHARMACY

COMES NOW, Phyllis A. Olson, Chairperson of the Iowa Board of Pharmacy Examiners, on the 3rd day of December, 1997, and declares that:

1. On November 25, 1997, the Board issued a Statement of Charges to the Respondent.

2. On December 2, 1997, Respondent executed a voluntary surrender of her pharmacist license number 17431 pursuant to 657 Iowa Administrative Code § 9.25. In so doing, Respondent waived her right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On December 3, 1997, the Board reviewed Respondent's voluntary surrender of her license to practice pharmacy and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacist license number 17431 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 9.25, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Phyllis A. Olson, Chairperson

V O L U N T A R Y S U R R E N D E R O F
L I C E N S E T O P R A C T I C E P H A R M A C Y

I, Kelli K. Cory, of 1534 S.W. 19th Street, Des Moines, 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 license to practice pharmacy in the State of Iowa, number 17431, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Kelli K. Cory, being affixed to this voluntary surrender document.

I, Kelli K. Cory, of my own free will and without any mental reservation and not as the result of any inducement, promise, or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, 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 Examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1997.
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (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, Kelli K. Cory, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a license to practice pharmacy which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 9.23, which provides as follows:

Any person whose license to practice pharmacy...has been revoked...must meet the following eligibility requirements:

1. 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 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.

2. A person whose license to practice pharmacy was revoked must successfully pass NAPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.
3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license. Such application shall be docketed in the original case in which the license 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,147,155A,204B,258A).
4. 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 or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.
5. 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, Kelli K. Cory, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

12-2-97
Date of Signature

Kelli K. Cory
Kelli K. Cory

Subscribed and Sworn to before me on this 2nd day of December, 1997.

[Signature]
NOTARY PUBLIC IN AND FOR THE

STATE OF IOWA

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RE:)	DIA NO: 99PHB001
Pharmacist License of)	
KELLI K. CORY)	FINDINGS OF FACT,
License No. 17431)	CONCLUSIONS OF LAW,
Respondent)	DECISION AND ORDER

TO: KELLI K. CORY

On December 3, 1997, the Iowa Board of Pharmacy Examiners (Board) issued an Order Accepting the Surrender of License to Practice Pharmacy signed by Kelli K. Cory (Respondent). On February 19, 1999, the Board scheduled a formal reinstatement conference, at the Respondent's request, for March 2, 1999. The hearing was continued at the Respondent's request. On June 22, 1999, it was rescheduled for July 16, 1999.

The hearing was held on July 16, 1999 at 2:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Des Moines, Iowa. The following members of the Board were present: Arlan D. Van Norman, Chairperson; Phyllis A. Olson; Matthew C. Osterhaus; Katherine A. Linder; Michael J. Seifert; and G. Kay Bolton. The Respondent appeared and was represented by her counsel, Ronald Wheeler. The state was represented by Shauna Russell Shields, Assistant Attorney General. The hearing was recorded by a certified court reporter. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided. The hearing was open to the public, at the request of the Respondent, pursuant to Iowa Code Section 272C.6(1) (1993).

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The administrative law judge was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the Voluntary Surrender of License, dated 12/2/97; Notices of Hearing; the testimony of the witness; and the following exhibits:

- State Exhibit 1: Statement of Charges, filed 11/25/97
- State Exhibit 2: Order Accepting Surrender of License To Practice Pharmacy, issued 12/3/97

- Respondent Exhibit 1: Evaluation dated 12/39/97
- Respondent Exhibit 2: Plea and Sentencing Order; Polk County District Court; Criminal No. OM46885
- Respondent Exhibit 3: Discharge Summary, Gateway Centers, 6/23/98
- Respondent Exhibit 4: Certificate Of Completion, Gateway Centers, 6/23/98
- Respondent Exhibit 5: Ruling and Order; Polk County District Court; Criminal No. OM4688
- Respondent Exhibits 6-8: Letters of recommendation

FINDINGS OF FACT

1. On July 25, 1990, the Respondent was issued license number 17431 by the Board to engage in the practice pharmacy in Iowa, subject to the laws of the state of Iowa and the rules of the Board. (Testimony of Respondent; State Exhibit A)
2. In 1987, prior to her licensure as a pharmacist, the Respondent was convicted of Operating While Intoxicated (OWI). The Respondent admitted that at the time of this OWI, she was drinking "a lot." Her use of alcohol has decreased in the years since this OWI. The Respondent has also been an occasional user of marijuana. (Testimony of Respondent)
3. The Respondent testified that she started to use methamphetamine in the summer of 1997, as a result of the influence of a boyfriend. She testified that her use occurred every other weekend or so, and she would use approximately one quarter gram of methamphetamine per use. (Testimony of Respondent)
4. In the fall of 1997, the Respondent was charged with second offense OWI, after she was stopped by a police officer and found to be in possession of methamphetamine, drug paraphernalia, and an open container of alcohol. On November 21, 1997, the Respondent pled guilty to OWI, 2nd Offense, in Polk County District Court. The Respondent was incarcerated for seven (7) days and ordered to pay a fine of \$1500.00. (Testimony of Respondent; Respondent Exhibit 2)
5. The court also ordered the Respondent to be evaluated at Employee & Family Resources and to cooperate with and complete any recommended treatment or education. The evaluation recommended that the Respondent participate in intensive outpatient treatment. (Testimony of Respondent; Respondent Exhibits 1, 2)

6. The Respondent entered the outpatient program at Gateway Centers for Addiction Treatment on December 31, 1997. Her initial diagnosis was Cannabis Abuse and Amphetamine Abuse. The Respondent admitted that she had trouble "coming off" the methamphetamine at first. She was depressed and craved the drug. Eventually she realized that she needed to have bigger goals. The Respondent participated in the intensive outpatient treatment program five days a week for four hours each night. She successfully completed the outpatient program and was referred to continuing care treatment on February 5, 1998. The Respondent successfully completed continuing care and was discharged on June 23, 1998. The treatment program made the following recommendations for further treatment upon discharge:

- a) continue to abstain from the use of all mood altering chemicals;
- b) attend a minimum of two twelve AA, NA, or CA 12 step support group meetings on a weekly basis;
- c) obtain a female sponsor immediately through those meetings and maintain weekly contact with that sponsor;
- d) if the patient should return to the use of any mood altering chemicals within the next 12 months, the patient should be referred for an evaluation for further substance abuse treatment.

(Testimony of Respondent; Respondent Exhibits 3, 4)

7. On June 30, 1998, the Respondent was found to have completed all of the terms required by the court in connection with her conviction, and she was discharged from the supervision of the court. (Testimony of Respondent; Respondent Exhibit 5)

8. The Respondent has been employed full time by the Van Dyck Furnace Company, which is owned by her parents, since 1997. She uses computer and secretarial skills in this employment. The Respondent has been successful in this employment. The Respondent submitted letters of recommendation from employees of the Van Dyck Furnace Company. The Respondent has continued to receive and read pharmacy journals, but has not participated in any formal continuing education since surrendering her license. (Testimony of Respondent; Respondent Exhibits 6, 8)

9. The Respondent denies that she ever used drugs while working or that she ever diverted controlled substances from the pharmacy for her own use. She does not feel that she would have a problem working around controlled substances. (Testimony of Respondent).

10. The Respondent testified that she has not used any illegal

drugs in two years. She has changed her group of friends and no longer associates with anyone who uses drugs. Her support system includes a new boyfriend, her family, and her church. The Respondent identifies her relapse symptoms as "any kind of stress." The Respondent currently attends Alcoholics Anonymous (AA) or 12 step groups "every now and then." She estimated her attendance frequency at once a month. She does not currently have a sponsor. (Testimony of Respondent)

11. The Respondent has consumed alcohol on a few occasions since completing treatment. She describes this use as "nothing to speak of" and testified that she has only consumed one drink and did not drive after consuming alcohol. (Testimony of Respondent)

12. The Respondent is willing to comply with any terms imposed by the Board, including more regular attendance at AA and at the Iowa Pharmacy Recovery Network (IPRN), abstention from alcohol, random urinalysis, and completion of an internship. (Testimony of Respondent)

CONCLUSIONS OF LAW

657 Iowa Administrative Code 36.13 provides, in relevant part:

657-36.13 (17A, 124B, 147, 155A, 272C) Reinstatement. Any person whose license to practice pharmacy...has been revoked...must meet the following eligibility requirements:

1. 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 or 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.

2. A person whose license to practice pharmacy was revoked must successfully pass the North American Pharmacist Licensure Exam (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license...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 settlement conference before the board...

4. 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... no longer exists and that it will be in the public interest for the license... to be reinstated. The burden of proof to establish such facts shall be on the respondent.

5. An order for reinstatement shall be based upon a decision which incorporates findings of fact 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.

Based on the testimony and evidence in this record, the Board is not convinced that the reasons for the voluntary surrender of the Respondent's license to practice pharmacy have been sufficiently addressed or that it is in the public interest for her license to be reinstated.

Based on the Respondent's testimony, the Board is uncomfortable with reinstating the pharmacy license at this time. Although she has completed treatment and appears to have abstained from illegal drugs for a period of two years, the Respondent has not complied with all of the recommendations made by the treatment program upon her discharge. The Respondent continues to occasionally use alcohol, which is a mood altering substance. Her attendance at 12 step groups is sporadic, and she has not obtained a sponsor. In response to questioning from the Board, the Respondent replied that she no longer has a drug problem. All of these circumstances suggest that the Respondent has not completely come to terms with the steps necessary to maintaining her sobriety and abstinence.

While she is not ready at this time to resume the full practice of pharmacy, the Board believes that with appropriate safeguards in place, the Respondent could begin the process of reentering the profession by serving as a pharmacy intern for a period of time, prior to another application for reinstatement.

DECISION AND ORDER

The Respondent has failed to establish, by a preponderance of the evidence, that the basis for the revocation of her license no

longer exists or that it is in the public interest for her license to be reinstated. 657 IAC 36.13(4).

IT IS THEREFORE ORDERED that the Respondent's request for reinstatement of her license to practice pharmacy in the state of Iowa is DENIED.

IT IS FURTHER ORDERED, that before the Board will consider another request for reinstatement, the Respondent must wait a minimum of six (6) months from the date of this order and must successfully complete 500 hours of internship, pre-approved by the board. The preceptor must provide the Board with a certification of competencies following completion of the internship.

IT IS FURTHER ORDERED, that upon proper application and payment of the required \$10.00 fee, the Board will issue the Respondent a pharmacist-intern registration, effective for a period of twelve (12) months, contingent upon the following conditions:

1. In order to obtain pre-approval for her internship, the Respondent's proposed preceptor must submit to the Board office a written description of the qualifications of the preceptor and a description of the pharmacy practice and the duties of the intern.
2. During her registration as a pharmacist-intern, the Respondent shall complete a minimum of thirty (30) hours of continuing education.
3. During her registration as a pharmacist-intern, the Respondent shall abstain from the use of all mood-altering substances, including alcohol.
4. During her registration as a pharmacist-intern, the Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) and shall participate weekly in either Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). The Respondent shall obtain verification of her attendance at these meetings. This verification shall be submitted to the Board in monthly written reports
5. During her registration as a pharmacist-intern, the Respondent shall cooperate with the Board if it requests random urinalysis. The Respondent shall provide the Board with any necessary release of information to allow the Board to obtain all information concerning the results of urinalysis. The expense of any urinalysis requested by the Board shall be the responsibility of the Respondent.
6. The Respondent shall notify any prospective preceptor of the decision in this case and the terms, conditions and

restrictions imposed upon the Respondent by this decision. Within fifteen (15) days of Respondent undertaking new employment as a pharmacist-intern, the Respondent shall cause her preceptor to report to the Board in writing acknowledging that the preceptor has read this Order of the Board and understands it.

Prior to reinstatement of her license to practice pharmacy, the Respondent will be required to demonstrate that she meets the requirements of 657 IAC 36.13(4), including that it is in the public interest for her license to be reinstated. Due to her decision to occasionally use alcohol, the Board will require the Respondent to submit proof that she has been reevaluated for substance abuse, as recommended by Gateway in its discharge summary if the Respondent used any mood altering substance. Pursuant to 657 IAC 36.13(2), the Respondent will also be required by the Board to successfully complete the NAPLEX or an equivalent exam as determined by NABP and the MPJE, Iowa Edition.

Dated this 15th day of Sept. , 1999.



Arlan D. Van Norman, R.Ph.
Chairperson
Iowa Board of Pharmacy Examiners

cc: Shauna Russell Shields
Assistant Attorney General

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act (Iowa Code chapter 17A), from the date of the board's decision.