

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

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Re:	)	Case No. 2006-44
PHARMACY TECHNICIAN REGISTRATION	)	
<b>TRACY G. DAVIS</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 9044	)	
Respondent.	)	

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**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 (2005).
3. Effective March 4, 2004, the Board renewed Respondent's pharmacy technician registration number 9044, allowing Respondent to engage in the duties of a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist technician registration expired April 20, 2006.
5. Respondent submitted an application for pharmacy technician registration renewal on May 3, 2006.
6. Respondent's current address is 2703 12<sup>th</sup> Street S.W., Altoona, Iowa 50009.

**A. CHARGES**

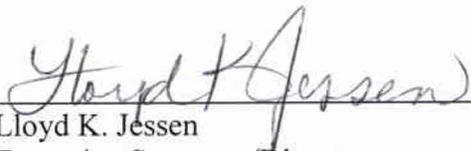
**COUNT I – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE**

The Respondent is charged with the inability to practice with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code §§ 147.55(4) (2005) and 657 Iowa Administrative Code 36.1(4)(d), 36.1(4)(j) and 36.1(4)(m).

**B. 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 13 day of September 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
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Michael J. Seifert, Chairperson  
Iowa Board of Pharmacy Examiners  
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

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

Re: Pharmacy Technician Registration of <b>TRACY G. DAVIS</b> Registration No. 9044	) ) ) ) )	<b>ORDER ACCEPTING SURRENDER OF PHARMACY TECHNICIAN REGISTRATION</b>
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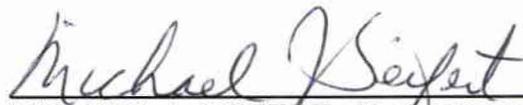
**COMES NOW**, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy Examiners, on the 14 November 2006, and declares that:

1. The Respondent's Iowa pharmacy technician registration number is 9044.
2. On October 26, 2006, Respondent executed a voluntary surrender of her Iowa pharmacy technician registration number 9044.
3. On November 14, 2006, 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, permit, or registration 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 9044 is hereby accepted.

IOWA BOARD OF PHARMACY EXAMINERS

  
\_\_\_\_\_  
MICHAEL J. SEIFERT, Chairperson

Copies:

Tracy G. Davis  
301 N 2<sup>nd</sup>  
Altoona, IA 50009

## VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

I, Tracy G. Davis, a resident of Altoona, 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 9044, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of registration shall become effective upon the notarized signature of the registrant, Tracy G. Davis, being affixed to this voluntary surrender document.

I, Tracy G. Davis, 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 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 registration as a pharmacy technician pursuant to Chapter 155A, Code of Iowa (1999).
- (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, Tracy G. Davis, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.25, a pharmacy technician registration 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 36.23, which provides as follows:

Any person ... whose pharmacy technician registration ... has been revoked or suspended 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, 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. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement.

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**IOWA PHARMACY EXAMINERS**

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. 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. 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, Tracy G. Davis, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of a pharmacy technician in the State of Iowa for which a registration is required.

10/26/06  
Date of signature

Tracy G. Davis  
Tracy G. Davis

State of Iowa  
County: of Polk

Signed and sworn to (or affirmed) before me on 10-26-2006  
Date

By Tracy G. Davis.

Chris Rohlf  
Signature of Notary Public

