

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

Re:	)	Case No. 2005-54
Pharmacy Technician Registration of:	)	
<b>LAURIE DOMEK,</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 1122,	)	
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 (2005).
3. The Board issued Respondent Laurie Domek a pharmacy technician registration number 1122, 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 was renewed February 11, 2004.
4. Respondent's technician registration is current and active until February 28, 2006.
5. Respondent's address of record is 221 21<sup>st</sup> Street, Ames, IA 50010.
6. At all times material to this statement of charges, Respondent was employed as a pharmacy technician at Walgreen's Pharmacy, 2501 Grand Avenue, Ames, Iowa, 50010.

**A. CHARGE**

**COUNT I -- INABILITY TO PRACTICE DUE TO ALCOHOL AND DRUG ABUSE**

Respondent is charged with the inability to practice as a pharmacy technician with reasonable skill and safety by reason of habitual intoxication, alcohol and drug abuse in violation of Iowa Code § 155A.6 (7) (2005) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

**B. FACTUAL CIRCUMSTANCES**

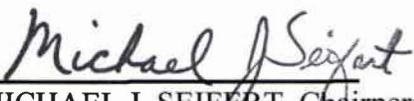
On June 9, 2005 an investigation was commenced which revealed the following:

1. In August of 2004, Respondent's employer administered a breathalyzer test to her which revealed intoxication at her place of employment.
2. Subsequently, Respondent attended treatment to deal with her alcohol abuse and returned to work.
3. Respondent acknowledges suffering a "relapse" on November 10, 2004, at which time she "took" controlled substances.

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 Sept. 2005, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
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, Iowa 50319

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

Re:	)	Case No. 2005-54
Pharmacy Technician Registration of	)	
<b>LAURIE DOMEK</b>	)	<b>STIPULATION</b>
Registration No. 1121	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

Pursuant to Iowa Code ' ' 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, ABoard@) and Laurie Domek (hereinafter, ARespondent@) enter into the following Stipulation and Consent Order settling a contested case. The pending contested case is a disciplinary proceeding before the Iowa Board of Pharmacy Examiners based on allegations specified in a Statement of Charges filed September 13, 2005. The Board and Respondent, who hereby agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. That Respondent was issued a pharmacy technician registration, as evidenced by Pharmacy Technician Registration Number 1122, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy Technician Registration Number 1122, issued to and held by Respondent is inactive, having last been renewed on February 11, 2004.
3. Respondent is not currently employed as a pharmacy technician.
4. A Statement of Charges was filed against the Respondent on September 13, 2005.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Respondent does not 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 the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be suspended indefinitely. During such indefinite period of suspension, Respondent may seek to obtain an evaluation which affirmatively concludes Respondent is mentally and physically fit to perform as a pharmacy technician. If Respondent is eventually able to obtain a fully documented current evaluation – from a physician/treatment provider who is fully aware of Respondent's history of alcohol abuse and drug diversion – which affirmatively concludes Respondent is mentally and physically fit to perform as a pharmacy technician, Respondent may petition the Board for the for termination of Respondent's registration suspension and commencement of a period of probation.

8. A petition for termination of registration suspension must include a written report from a physician/treatment-provider who, (a) in a fully documented, detailed written summary of a (b) current evaluation of Respondent, (c) affirmatively concludes Respondent is mentally and physically fit to perform the duties of a pharmacy technician.

9. If Respondent successfully petitions the Board – pursuant to the terms of paragraph 8 above – for termination of her registration suspension, Respondent's pharmacy technician registration shall be placed on probation on terms which shall include, but not be limited to, the following:

- a. Respondent must agree to comply with the terms of probation.
- b. The period of probation shall be not less than five (5) years. Respondent's period of probation shall continue for five years or until Respondent has been employed as a pharmacy technician for five years, with only those time periods during which Respondent

is employed as a pharmacy technician counting toward satisfaction of the probation requirement.

c. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

d. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date, and any further information deemed necessary by the Board from time to time.

e. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

f. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacy technician during her probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

g. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

h. Respondent shall not possess or use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating

health care provider. Respondent shall inform any treating physician or other treating health care provider of her medical history, including her history of alcohol abuse and drug diversion.

i. Respondent shall provide witnessed blood, hair or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this Stipulation and Consent Order and with any drug therapy ordered by Respondent's physician. All costs related to the analysis of such specimens shall be paid by Respondent.

j. To facilitate performance of the provisions of paragraph l above, Respondent shall report to and provide a specimen at a FirstLab collection site – or such other healthcare provider specified by the Board – within 24 hours after notice from the Board requesting that Respondent provide a specimen. Respondent agrees to cooperate with the Board in establishing the specimen testing program, and hereby consents to disclosure by such healthcare facility of all medical information, including test results, generated by Respondent's contact with the facility. Respondent shall enroll with FirstLab and select a specimen collection site within five (5) days of the commencement of any probationary period established pursuant to this Stipulation and Consent Order.

k. Respondent shall provide, upon request of an agent of the Board, copies of or access to all his medical records.

l. If, as a result of the physical and mental health examinations of Respondent, Respondent's physician/treatment provider recommends a substance abuse treatment program, Respondent shall comply with such recommendations. In the event Respondent participates in a substance abuse treatment program, Respondent's physician/treatment

provider shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.

m. Such other reasonable terms as the Board may wish to impose.

10. Should the Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's pharmacy technician registration or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2007) and 657 IAC 36.

11. This Stipulation and Consent Order constitutes 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.

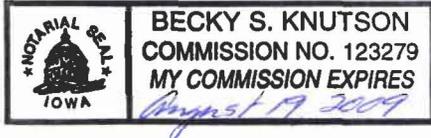
12. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

13. 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 1<sup>st</sup> day of November, 2007.

  
Laurie Domek, Pharmacy Technician  
Respondent

Subscribed and sworn to before me by Laurie Domek on this 1st day of November, 2007.



Becky S. Knutson  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of November 2007.

Paul W. Abramowitz  
PAUL ABRAMOWITZ, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

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

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2009-92
Pharmacy Technician Registration of	)	
<b>E. LAURIE BRYANT</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 1122,	)	
Respondent	)	

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

1. He is the Executive Director of 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 147, 155A and 272C (2009).
3. The Board issued E. Laurie Bryant, hereinafter "Respondent," pharmacy technician registration number 1122, registering her as a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was renewed on August 27, 2008.
4. Respondent's registration is current and active until June 30, 2010.
5. Respondent executed a Stipulation and Consent Order which was accepted by the Board on November 13, 2007, placing her registration on indefinite suspension. Her registration was reinstated on August 27, 2008.

**A. CHARGE**

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

Respondent is charged with the inability to practice as a pharmacy technician with reasonable skill and safety by reason of chemical abuse, in violation of Iowa Code § 155A.6A(5) (2009) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

**B. CIRCUMSTANCES**

On or about July 20, 2009, an investigation was commenced, revealing the following:

1. Respondent executed a Stipulation and Consent Order which was approved by the Board

- on November 13, 2007. The terms of that Order included an agreement by Respondent that she would not utilize any controlled substance or other prescription medication except as authorized by a licensed prescriber.
2. As a condition of the Stipulation and Consent Order, Respondent was to provide witnessed blood, hair or urine specimens on demand by the Board. The specimens were to be used for alcohol and drug screening.
  3. Respondent has admitted that she is an alcoholic.
  4. In a letter dated July 17, 2009, Respondent reported she had been drinking during the past week and, on July 16, 2009, she was selected to provide a witnessed urine specimen that would be positive for alcohol. She stated that following a dental procedure for a tooth that broke off she was prescribed Amoxicillin and Darvocet N 100. Before having the Darvocet N 100 filled, she called the dentist to make sure it was on her chart that she is an alcoholic. The dentist said he was not aware of that and recommended that she use ibuprofen alternating with acetaminophen to handle the pain. She let the pain get out of control and "took the easy way out and drank to get a full night's sleep." Her new sobriety date is July 16, 2009.
  5. Respondent tested positive for ethylglucuronide (EtG), a direct metabolite of alcohol, on September 30, 2008, December 30, 2008, May 20, 2009, and July 16, 2009.

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 17th day of August 2009, the Iowa Board of Pharmacy Examiners 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 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, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

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IN THE MATTER OF THE  
STATEMENT OF CHARGES AGAINST:

CASE NO. 2009-92  
DIA NO. 09PHB023

E. LAURIE BRYANT  
Registration No. 1122

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
DECISION AND ORDER

RESPONDENT

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On August 17, 2009, the Iowa Board of Pharmacy (Board) found probable cause to file a Statement of Charges and Notice of Hearing against E. Laurie Bryant (Respondent), alleging inability to practice as a pharmacy technician with reasonable skill and safety by reason of chemical abuse, in violation of Iowa Code §§ 155A.6A(5)(2009) and 657 IAC 36.1(4)(d) and 36.1(4)(m). The hearing was held on September 22, 2009 at 1:05 p.m. The following members of the Board presided at the hearing: Vernon Benjamin, Chairperson; Susan Frey; Edward L. Maier; Mark Anliker; Margaret Whitworth; and Annabelle Diehl. Assistant Attorney General Scott Galenbeck represented the state. Respondent appeared and was self-represented. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2009) and was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. 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 their decision. The administrative law judge was instructed to prepare the Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the testimony of the witnesses and State Exhibits 1-5 (see Exhibit Index for description of 1-4; Exhibit 5 is an 8/18/09 laboratory report from First Lab)

FINDINGS OF FACT

1. The Board has issued pharmacy technician registration number 1122 to Respondent, which authorizes 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 is current and active through June 30, 2010. (Testimony of Respondent; State Exhibit 3)

2. On November 13, 2007, the Board approved a Stipulation and Consent Order executed by Respondent. The Stipulation and Consent Order provided that Respondent would not use any controlled substance or other prescription medication except as authorized by a licensed prescriber. Respondent agreed to provide witnessed blood, hair or urine specimens on demand by the Board, which were to be used for alcohol and drug screening. (Testimony of Respondent; Debbie Jorgenson; State Exhibit 3)

3. Respondent has admitted that she is an alcoholic. (Testimony of Respondent; State Exhibit 1)

4. On July 17, 2009, Respondent sent a letter to the Board reporting that she had been drinking during the past week to help her sleep because she was having pain following a dental procedure. Respondent further reported that she was called by FirstLab to submit to a urine test on July 16, 2009 and that the test results would likely show the presence of alcohol. (State Exhibit 1; Testimony of Respondent)

5. Laboratory test results from FirstLab show that Respondent tested positive for ethylglucuronide (EtG), a direct metabolite of alcohol, on September 30, 2008, December 30, 2008, May 20, 2009, July 16, 2009, and August 18, 2009. The reported cut-off for detecting EtG in urine is 250 ng/mL. Respondent's positive EtG results, in chronological order, were 1820 ng/mL, 4130 ng/mL, 940 ng/mL, 1600 ng/mL, and 2500 ng/mL. The laboratory report for August 18, 2009 shows that Respondent also tested positive for Amitriptyline and Nortriptyline. Respondent is prescribed the anti-depressant Wellbutrin. (State Exhibits 2, 5; Testimony of Respondent)

6. Respondent admits consuming alcohol on July 16, 2009 but denies that she consumed alcohol on any of the other dates that she tested positive for EtG. (Testimony of Respondent)

7. Respondent reports that her problems with alcohol surfaced approximately eight years ago when she was drinking heavily and her drinking was interfering with her life. Respondent failed a "second chance agreement" given to her by her employer at the time. In October 2006, Respondent was convicted of Operating While Intoxicated (OWI). Respondent returned to treatment and maintains that she was continuously sober from October 2006 until July 16, 2009. Respondent further maintains that she did not drink any alcohol after July 16, 2009 and that all other positive EtG reports from FirstLab were false readings. Respondent could not explain what could have caused

multiple false readings or how a false reading could be so far above the cut-off for EtG.  
(Testimony of Respondent)

8. Respondent is not currently working as a pharmacy technician. She has no immediate plans to seek employment by a pharmacy but has continued to participate in the FirstLab program to leave her options open. Respondent attends AA meetings or other support groups nearly daily, including a Caduceus meeting on Monday nights, and a women's group on Tuesday nights. (Testimony of Respondent)

#### CONCLUSIONS OF LAW

Iowa Code §155A.6A(5)(2009) provides, in relevant part:

##### **155A.6A Pharmacy technician registration.**

...

5. The board may deny, suspend, or revoke the registration of, or otherwise discipline, a registered pharmacy technician for any violation of the laws of this state, ... for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, 205, or 272C or any rule of the board.

657 IAC 36.1(4) provides, in relevant part:

**36.1(4) Grounds for discipline.** The board may impose any of the disciplinary sanctions set out in rule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

...

*d.* Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

(1) The inability of a licensee or registrant to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

*m.* Inability of a licensee or registrant to practice with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

The preponderance of the evidence established that Respondent is unable to practice with reasonable skill and safety as a pharmacy technician at this time due to habitual intoxication and chemical abuse, in violation of Iowa Code section 155A.6A(5)(2009) and 657 IAC 36.1(4)(k) and 36.1(4)(m). The Board is very concerned that Respondent,

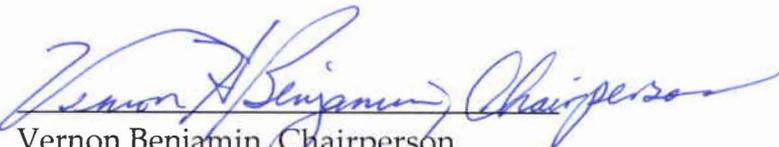
an admitted alcoholic, had very high EtG levels on five separate occasions in the past year. The only reasonable explanation for these test results is that Respondent has resumed drinking alcohol. Respondent's denial of all alcohol use, except on one occasion, raises further concerns about the reliability of her memory. At hearing, Respondent questioned the accuracy of the FirstLab reports, in part because the August 18, 2009 was positive for Amitriptyline and Nortriptyline. Respondent knew that the positive Amitriptyline result was attributable to the Wellbutrin she was taking, but she believed that the positive Nortriptyline result demonstrated that the laboratory had made an error. Based on its own experience and expertise the Board is satisfied that the positive Nortriptyline result is also consistent with Respondent's use of Wellbutrin.

#### DECISION AND ORDER

IT IS THEREFORE ORDERED that pharmacy technician registration number 1122 issued to E. Laurie Bryant is hereby INDEFINITELY SUSPENDED. If Respondent seeks reinstatement of her license the burden will be placed on her to show that the basis for the suspension no longer exists and that is in the public interest for her license to be reinstated. 657 IAC 36.13(4).

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board may bill Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 18<sup>th</sup> day of November, 2009.

  
Vernon Benjamin, Chairperson  
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General  
Hoover State Office Building (LOCAL)

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.