

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

Re:	)	Case No. 2002-92
Pharmacist License of	)	
<b>CAROL J. FANGMAN-COOK</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15926	)	
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 (2003).
3. On July 22, 1981, the Board issued Respondent, Carol Fangman-Cook, after examination, a license to engage in the practice of pharmacy as evidenced by license number 15926, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2003.
5. Respondent's current address is 130 Seventh Avenue, SE, Olewein, Iowa 50662.
6. Respondent was employed as a pharmacist at four Wal-Mart Pharmacies at all times relevant to this statement of charges. Respondent was discharged by Wal-Mart on February 10, 2003.

**COUNT I – UNLAWFUL POSSESSION OF DRUGS**

The Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code § 155A.21 (2003) and 657 Iowa Administrative Code §§ 36.1(4)(h), (j) and (u).

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

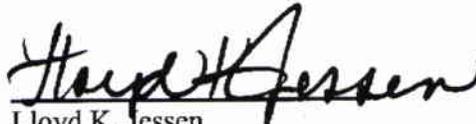
The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code §§ 147.55(4) and 155A.12(1) (2003), and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j) and 36.1(4)(m).

## THE CIRCUMSTANCES

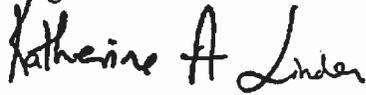
On or about October 28, 2002, an investigation of Carol Fangman-Cook was commenced, which revealed the following:

1. Respondent was arrested for driving under the influence of intoxicants. A urine sample obtained at the time of her arrest tested positive for hydrocodone.
2. Although Respondent possessed a prescription for Roxicet and claimed to have taken Roxicet, resulting in her erratic driving, her urine sample did not test positive for Roxicet.
3. Audits of the controlled drugs in the Wal-Mart pharmacies (Independence, Cedar Falls and Decorah) where Respondent worked prior to discharge on February 10, 2003 reveal significant shortages of hydrocodone and other 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 23 day of April, 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Katherine A. Linder, 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

fangman-cook 34m

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

Re:	Pharmacist License of	)	
	CAROL FANGMAN-COOK	)	
	License No. 15926	)	STIPULATION
	Respondent	)	AND
		)	CONSENT ORDER
		)	

Pursuant to Iowa Code § 17A.10 (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Carol Fangman-Cook of 130 7<sup>th</sup> Avenue SE, Oelwein, Iowa (hereinafter, "Respondent"), have agreed to settle a licensee disciplinary matter pending before the Board arising from allegations specified in a Statement of Charges filed against Respondent April 23, 2003. The matter shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. Respondent was issued a license to practice pharmacy in Iowa on July 22, 1981, after examination, as evidenced by Pharmacist License Number 15926 which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Iowa Pharmacist License Number 15926, issued to Respondent, is active and current until June 30, 2005.
3. The Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein. Respondent denies the allegations set forth in the Statement of Charges and admits no guilt, but has chosen to enter into this stipulation rather than contest the allegations in a hearing. Respondent acknowledges that the allegations, if established in a hearing, could constitute grounds for discipline of her pharmacist license.
4. A Statement of Charges was filed against Respondent on April 23, 2003.
5. Respondent's pharmacist license number 15926 shall be placed on probation

for three (3) years on the following terms and conditions, beginning on the date this Order is accepted by the Board:

a. Respondent shall not 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 fully inform any treating physician or other treating health care provider of her medical history.

Additionally, Respondent shall not possess any controlled substance, except medications prescribed in accordance with this paragraph.

b. Upon demand by an agent of the Board, Respondent shall provide witnessed blood or urine specimens for analysis. 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 therapy ordered by Respondent's physician. All costs relating to blood or urine analysis shall be paid by Respondent.

c. Respondent shall comply with all treatment recommendations of her physician and/or counselor, if applicable. If treatment is required, the treatment program or physician/counselor shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.

d. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation.

Respondent's quarterly reports shall include information regarding her place of

employment, current home address, home telephone number, work telephone number and any further information deemed necessary by the Board from time to time.

e. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings if recommended by Respondent's physician or treatment-provider. If such meetings are required, Respondent shall append to each quarterly report, referred to in subparagraph (d) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

f. Respondent may participate in the Iowa Pharmacy Recovery Network (IPRN) program.

g. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearances.

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

i. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer to report to the Board in writing acknowledging that the employer has read this

document and understands it.

j. Respondent shall not be self-employed as a pharmacy owner/operator, nor supervise any registered intern, nor perform any of the duties of a pharmacy preceptor.

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

6. Respondent agrees to release all her medical records to the Board, including all medical records pertaining to treatment for any mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for three years from the date of the Board's approval of this Stipulation and Consent Order.

7. Should Respondent leave Iowa to reside or practice in another state, she shall notify the Board in writing fourteen (14) days prior to her departure and within fourteen (14) days of her return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period without a prior request to and approval by the Board.

8. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Stipulation and Consent Order is grounds for further disciplinary action,

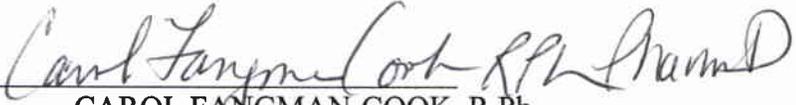
upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or petition to revoke probation is filed against Respondent during probation, the board shall have continuing jurisdiction until the matter is final and the period of probation shall be extended until the matter is final.

9. Upon successful completion of probation, Respondent's certificate will be fully restored.

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

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 9<sup>th</sup> day of March 2004.

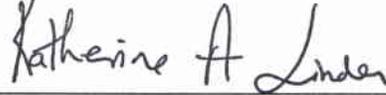
  
CAROL FANGMAN-COOK, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 9<sup>th</sup> day of March 2004.

  
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 16<sup>th</sup> day of March 2004.



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Katherine A. Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
400 S.W. 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688

Copies to:

Carol Fangman-Cook  
130 7<sup>th</sup> Ave. SE  
Olewein, IA 50662

Scott M. Galenbeck  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor; Hoover State Office Building  
Des Moines, IA 50319

Fangman-Cook settlement.doc

## VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Carol J. Fangman-Cook, a resident of Manchester, 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 pharmacist license in the State of Iowa, number 15926, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Carol J. Fangman-Cook, being affixed to this voluntary surrender document.

I, Carol J. Fangman-Cook, 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 licensure as a pharmacist pursuant to Chapter 155A, Code of Iowa (2007).
- (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, Carol J. Fangman-Cook, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a pharmacist license 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 36.13, which provides as follows:

**657—36.13 (17A,124B,147,155A,272C) Reinstatement.** Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacist-intern registration, pharmacy technician registration, or pharmacy support person registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

**36.13(1) Prerequisites.** The individual shall satisfy all 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.

**36.13(2) Pharmacist license revoked or surrendered—examinations required.** A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

**36.13(3) Proceedings.** The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. 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—36.14(17A,124B,147,155A,272C).

**36.13(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.

**36.13(5) Order.** An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall 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, Carol J. Fangman-Cook, hereby further acknowledge that I shall not engage in any of the practices or aspects of a pharmacist in the State of Iowa for which a license is required.

2/15/11  
Date of signature

Carol J Fangman Cook  
Carol J. Fangman-Cook

State of Iowa

County of Delaware

Subscribed and sworn to (or affirmed) before me on this 15<sup>th</sup> day of February, 2011 by Carol J. Fangman-Cook.

Amy J. Blumer  
NOTARY PUBLIC

(Seal or Stamp)

My commission expires 9/5/11



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

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Re:	)	<b>ORDER</b>
Pharmacist License of	)	<b>ACCEPTING</b>
<b>CAROL FANGMAN-COOK</b>	)	<b>SURRENDER OF</b>
License No. 15926	)	<b>PHARMACIST LICENSE</b>

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**COMES NOW**, Vernon H. Benjamin, Chairperson of the Iowa Board of Pharmacy, on March 8, 2011, and declares that:

1. On February 15, 2011, Respondent executed a voluntary surrender of her pharmacist license number 15926.

3. On March 8, 2011, the Board reviewed Respondent's voluntary surrender of her pharmacist license 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 pharmacist license number 15926 is hereby accepted.

IOWA BOARD OF PHARMACY

  
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VERNON H. BENJAMIN, Chairperson