

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-151
Certified Technician Registration of)	
LORI FISHER)	NOTICE OF HEARING AND
Registration No. 1656)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Lori Fisher (“Respondent”), 238 Amhurst St., Iowa City, Iowa 52245, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2013). Respondent’s Iowa certified technician registration number 1656 is currently active and expires on October 31, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 29, 2014, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 Iowa Administrative Code rule 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Cathelyn
Assistant Attorney General
Iowa Attorney General’s Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Cathelyn can also be reached by phone at (515) 281-6690 or by e-mail at laura.cathelyn@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C and under 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I

UNLAWFUL DISPENSING OF A PRESCRIPTION DRUG

Respondent is charged with unlawful dispensing of a prescription drug in violation of Iowa Code section 155A.4(1), pursuant to Iowa Code section 155A.6A(5) and 657 Iowa Administrative Code rule 3.30(1).

Count II

UNETHICAL CONDUCT/PRACTICE HARMFUL TO THE PUBLIC

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public, pursuant to 155A.6A(5) and 657 Iowa Administrative Code rules 3.30(1) and 36.1(4)(c).

D. FACTUAL CIRCUMSTANCES

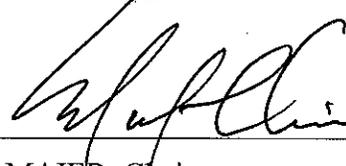
1. Respondent holds Iowa certified technician registration number 1656, which is currently active and expires on October 31, 2014.
2. In August, 2013, Respondent provided an albuterol inhaler without a prescription to co-worker who appeared to be having difficulty with breathing while at work.
3. Respondent had the pharmacist verify that the inhaler was albuterol prior to giving it to the co-worker, but failed to explain to the pharmacist her intentions regarding the inhaler.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Cathelyn at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 12th day of March, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>917199991703239553407</u> | <input type="checkbox"/> other _____ |

on the 13th day of March, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-151
Certified Technician Registration of)	
)	SETTLEMENT AGREEMENT AND
LORI FISHER)	FINAL ORDER
Registration No. 1656)	
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Lori Fisher ("Respondent") enter into the following Settlement Agreement and Final Order to settle a disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Iowa pharmacy technician registration number 1656, which is currently active and expires on October 31, 2014.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against the Respondent on March 12, 2014.
4. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent is hereby **CITED** for unlawful dispensing of a prescription drug and unethical conduct/practice harmful to the public, and **WARNED** that Respondent's failure to comply with the laws governing the practice of pharmacy in the future could result in further discipline.
6. Respondent agrees to pay a civil penalty in the amount of two-hundred fifty dollars (\$250). This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
7. Respondent agrees to complete five (5) hours of continuing education in the areas of pharmacy law and/or roles and duties of pharmacy technicians within three (3) months of Board approval of this Settlement Agreement. Respondent shall submit certificates to the Board as proof of completion of this requirement. Respondent is responsible for all costs associated with obtaining the required continuing education.

8. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

9. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.

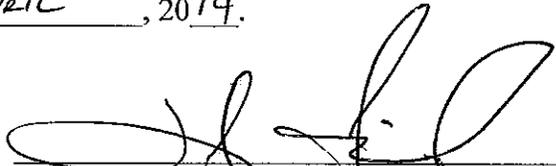
10. The State's legal counsel may present this Settlement Agreement and Final Order to the Board *ex parte*.

11. Respondent acknowledges that she has a right to be represented by counsel on this matter.

12. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

13. The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 2nd day of April, 2014.



LORI FISHER, Pharmacy Technician
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 30th day of April, 2014.



EDWARD MAJER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

Marc Mills
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