

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

IN THE MATTER OF:)	
)	
ABIGAIL N. FOLKMANN)	CONSENT ORDER
)	
Respondent.)	

The Iowa Board of Pharmacy (Board) and Abigail N. Folkmann (Respondent) hereby enter into this Consent Order (Order) pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011):

1. The Respondent seeks to register as a pharmacist-intern with the Board for the purpose obtaining instruction in the practice of pharmacy in the State of Iowa.
2. The Respondent is currently a student at Drake University and is expected to graduate in May 2016.
3. The Respondent, on her application for registration as a pharmacist-intern, disclosed two alcohol-related offenses that occurred on January 9, 2010 and November 28, 2010. Respondent pleaded guilty in both cases.
4. Upon approval of this Order by the Board, the Respondent shall receive a registration as a pharmacist-intern for the purpose of obtaining instruction in the practice of pharmacy from a preceptor pursuant to Iowa Code section 155A.6 in the State of Iowa subject to probation as provided in this agreement.

5. The Respondent's registration as a pharmacist-intern in Iowa shall be issued and placed on probation indefinitely for the term of her pharmacist-intern registration, beginning on the date of the Board's acceptance and approval of this Order. During the probationary period, the Respondent shall comply with the following terms:
 - a. Respondent shall completely abstain from the personal use of alcohol.
 - b. The Respondent shall participate in and shall fully comply with a Board approved urine screening program through First Lab. In addition, Respondent shall immediately submit a witnessed blood or urine sample whenever requested by the Board or its designee. The specimens shall be used for alcohol and drug screening, all costs of which shall be borne by the respondent.
 - c. The Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Order. The reports shall be filed no later than June 5, September 5, December 5, and March 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.
 - d. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program.
 - e. The Respondent shall make personal appearances before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.7.
 - f. The Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
 - g. The 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. The Board reserves the right to review the Respondent's compliance with the terms of this Agreement at any time.
7. Should the Respondent violate the terms of this Consent Order in any respect, the Board may institute formal disciplinary proceedings. This Order shall be made part of the permanent record of the Board, and violations of this Order may be considered by the Board in determining the nature and severity of any future disciplinary action.
8. This Order has been approved by the Board.
9. The Respondent voluntarily agrees to enter into this Order with the Board.
10. This Order is a public record available for inspection and copying in accordance with Iowa law.

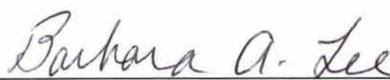
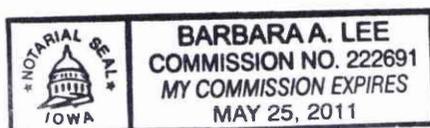
WHEREFORE, the terms of this Consent Order are agreed to and accepted by the Iowa Board of Pharmacy and the Respondent.

This Consent Order is hereby accepted and approved by Respondent on the 23 day of March, 2011.



Abigail N. Folkmann
Respondent

Subscribed and sworn to before me by Abigail N. Folkmann on the 23 day of March, 2011.



NOTARY PUBLIC IN AND FOR THE
STATE OF Iowa Board of Pharmacy

27th This Consent Order was accepted by the Iowa Board of Pharmacy on the
day of April, 2011.


VERNON H. BENJAMIN, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

ATTORNEY FOR STATE

Folkmann Abigail Consent Order 2011 03.doc

BEFORE THE IOWA BOARD OF PHARMACY

IN RE:)	
Pharmacist Intern Registration of:)	DIA NO: 12PHB002
)	
ABIGAIL N. FOLKMANN)	FINDINGS OF FACT,
Pharmacist Intern No. 5333)	CONCLUSIONS OF LAW,
RESPONDENT)	DECISION AND ORDER

On March 6, 2012, the Iowa Board of Pharmacy (Board) conducted a hearing on the request made by Abigail N. Folkmann (Respondent) to be released from the conditions of probation placed on her registration as a pharmacist-intern. The following members of the Board presided at the hearing: Susan Frey, Chairperson; Edward Maier; Mark Anliker; James Miller; and LaDonna Gratiyas. Respondent appeared and was self-represented. Assistant Attorney General Scott Galenbeck represented the state. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was closed to the public at Respondent's request, pursuant to Iowa Code section 272C.6(1)(2011) and 657 IAC 35.19(10). The hearing was recorded by a certified court reporter. 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 a written decision for Board review, in conformance with the Board's deliberations.

THE RECORD

The record includes the Notice of Hearing; the testimony of Respondent, Carroll Deets, Stephanie Pirko, and Christine Folkmann; and Exhibits 1-3.

FINDINGS OF FACT

Respondent is a pre-pharmacy student at Drake University. When Respondent applied to the Board for registration as a pharmacist-intern, she disclosed that she had two convictions for possession of alcohol under the legal age. The offenses occurred on January 9, 2010 and on November 28, 2010. Respondent pled guilty in both cases. The first offense occurred while Respondent was eighteen years old and still a high school student. The second conviction occurred when Respondent was nineteen years old and a college freshman. (Respondent testimony; Exhibit 1)

On March 23, 2011, Respondent signed a Consent Order that granted her registration as a pharmacist intern but placed the registration on indefinite probation, subject to a number of terms and conditions. The terms and conditions of probation included, in part, complete abstinence from alcohol, participation in a urine screening program through First Lab, and filing quarterly reports. The Board approved the Consent Order on April 27, 2011, and it became a final order of the Board. (Exhibit 1)

Respondent has excelled academically as a student in Drake University's pre-pharmacy program. She has been conditionally accepted into Drake's pharmacy program for the next school year. The pharmacy program admits all students conditionally, pending receipt of their last semester's grades. (Respondent testimony)

Respondent has complied with the conditions of probation over the past ten months, even though she denies having a problem with alcohol. Respondent reports that she has matured since her offenses, does not consume alcohol, and associates with other non-drinkers. Respondent has had no other criminal charges and has never used any illegal drugs. Respondent is currently employed as a pharmacist intern. Respondent's supervisor, who is a licensed pharmacist, testified on her behalf at the hearing and reported that Respondent has been an excellent employee and intern. (Respondent, Deets, Pirko testimony)

On December 27, 2011, Respondent completed a substance abuse evaluation. The evaluating program determined that Respondent does not meet the criteria for a substance abuse disorder. No treatment was recommended. (Exhibit 2)

CONCLUSIONS OF LAW

The legislature has authorized a program of pharmacist internships.¹ A pharmacist-intern means an undergraduate student enrolled in the professional sequence of a college of pharmacy approved by the board, or a graduate of a college of pharmacy who is participating in a board-approved internship under the supervision of preceptor.² Pharmacist-interns are required to be registered with the Board during their internship training, pursuant to rules established by the Board.³

¹ Iowa Code section 155A.6(1)(2011).

² Iowa Code section 155A.3(30)(2011).

³ Iowa Code section 155A.6(2)(2011).

The Board is authorized to establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 155A or chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the Board.⁴ The Board is authorized to adopt rules, in accordance with chapter 17A, on matters pertaining to pharmacist-intern registration standards, registration fees, conditions of registration, termination of registration and approval of preceptors.⁵ The Board has adopted rules governing pharmacist-interns at 657 IAC chapter 4. The rules include provisions for the denial of pharmacist-intern registrations and the discipline of pharmacist interns.⁶

Respondent's application for registration raised Board concerns because she had two alcohol related convictions in one year. Substance abuse is a serious problem that adversely affects the safe practice of pharmacy. Pursuant to the Consent Order, Respondent was granted registration as a pharmacist intern, but her registration was made subject to terms and conditions of probation. By signing the Consent Order, Respondent agreed to these probationary terms. In the past ten months, Respondent has been compliant with the terms of her probation, has had excellent performance as a pharmacist intern, and has also maintained high academic standing. Based on the record made at hearing, the Board is now satisfied that it is consistent with the public interest to allow Respondent to practice as a pharmacist-intern without probationary conditions.

DECISION AND ORDER

IT IS THEREFORE ORDERED that Respondent Abigail Folkmann is hereby discharged from the indefinite probation that was established in the April 26, 2011 Consent Order. Following the issuance of this Decision and Order, Respondent's pharmacist intern registration will be in good standing and will no longer be subject to special terms or conditions of probation.

⁴ Iowa Code section 155A.6(3)(2011).

⁵ Iowa Code section 155A.6(4)(2011).

⁶ 657 IAC 4.10, 4.11.

DIA No. 12PHB002

Page 4

Dated this 27th day of April, 2012.

A handwritten signature in cursive script, reading "Susan M. Frey". The signature is written in black ink and is positioned above a horizontal line.

Susan Frey, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General

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.