

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-76
Pharmacy Technician Registration of)	
THERESA GOLDIZEN)	EMERGENCY ORDER
Registration No. 2630,)	
Respondent.)	

I. JURISDICTION

The Iowa Board of Pharmacy (hereinafter, "Board") has jurisdiction over pharmacy technician registrations pursuant to Iowa Code Chapters 155A and 272C (2011). Theresa Goldizen (hereinafter, "Respondent") possesses pharmacy technician registration number 2630 issued by the Board. A Statement of Charges was filed against Respondent on August 29, 2011. After review of the Statement of Charges, and careful review of the evidence relating to the Statement of Charges, the Board adopts the following Findings of Fact, Conclusions of Law and Emergency Order.

II. FINDINGS OF FACT

1. The Board issued Respondent a pharmacy technician registration number 2630, subject to the laws of the State of Iowa and the rules of the Board.
2. On or about June 29, 2011 an investigation was commenced which revealed the following:
 - a. At all times material, Respondent was employed as a certified pharmacy technician at Medicap Pharmacy, 628 Nile Kinnick Drive South, Adel, Iowa 50003.
 - b. Medicap Pharmacy submitted DEA form 106 to the Board of Pharmacy on June 16, 2011, indicating a loss of 100 tablets of dexamethylphenidate 10mg.
 - c. On June 23, 2011, Medicap performed an audit of all Schedule II drugs and discovered the following additional losses:
 1. 100 tablets of hydromorphone 2mg

2. 100 tablets of hydromorphone 4mg
 3. 129 tablets of hydromorphone 8mg
 4. 30 tablets of dextroamphetamine 5mg
- d. Prior to June 24, 2011, Respondent had a key to the pharmacy.
 - e. Respondent's employer reported that during an ordinary work day, Respondent would make frequent trips to the bathroom, throughout the day, and get into her purse often. Additionally, Respondent wandered back into the nursing home cassette fill area regularly, but would never tell anyone why she was going there. Video footage from June 30, 2011 confirms Respondent's suspicious behavior.
 - f. A urine sample collected from Respondent on June 30, 2011 tested positive for the presence of nordiazepam, oxazepam, temazepam, hydromorphone, and hydrocodone. Respondent has never been prescribed hydromorphone or any type of benzodiazepine such as diazepam, oxazepam, or temazepam. Respondent does not have a current prescription for hydrocodone.
 - g. A subsequent audit revealed more than 3000 HydrocodoneAPAP tablets and more than 2000 Zolpidem tablets are missing from the pharmacy.
3. The Board finds that the evidence supports the August 29, 2011 Statement of Charges against Respondent. The Board also finds that (a) substantial quantities of controlled substances are missing from the pharmacy where Respondent worked, (b) Respondent's behavior indicates she was engaged in diverting drugs and (c) a urine test revealed Respondent has ingested, without a prescription, some of the drugs which are missing.
 4. The Board finds that Respondent is an immediate danger to the public health, safety and welfare for the following reasons:
 - a. Respondent appears to have an uncontrolled drug dependency, leading to diversion of controlled substances. Respondent appears to have diverted substantial numbers of controlled substances from her employer.
 - b. When Respondent provided a urine sample on a day when she had been working, testing revealed that Respondent had been using a variety of controlled

substances for which she has no prescription. The drugs Respondent was using are among the drugs missing from Respondent's place of employment.

- c. If Respondent works in a pharmacy, she is likely to divert controlled substances from the pharmacy and personally use the controlled substances while working, leading to impairment.
5. The Board finds that immediate, emergency action must be taken for the reason that if Respondent is allowed to continue to work as a pharmacy technician, the public health, safety and welfare will be threatened by her substance abuse and physical impairment. Respondent cannot be trusted to refrain from diversion and use of drugs while working. Given these facts, the Board must act in the interest of the public to suspend Respondent's pharmacy technician registration until treatment occurs.
 6. The Board finds that the minimum emergency action needed to protect the public health, safety and welfare is as follows:
 - a. Immediate suspension of Respondent's pharmacy technician registration.
 - b. Issuance of an order directing that Respondent's registration shall remain suspended until satisfactory evidence of Respondent's ability to resume work in a pharmacy has been provided to the Board.

III. CONCLUSIONS OF LAW

1. Respondent cannot work safely in a pharmacy; she is likely to divert and use controlled substances from the pharmacy inventory. She is also likely to be impaired as a result of her use of unprescribed controlled substances while working.

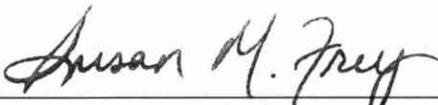
2. The provisions of Iowa Code § 17A.18A (2011) permit the Iowa Board of Pharmacy to take emergency action to protect the health, safety and welfare of the public. A basis for emergency action against Respondent, pursuant to the provisions of the Iowa Code and the Iowa Administrative Code, has been established by the findings of fact adopted above.

IV. EMERGENCY ORDER

The Board ORDERS as follows:

1. Pursuant to Iowa Code § 17A.18A, chapter 155A (2011) and 657 Iowa Administrative Code § 36.1(4)(b), the pharmacy technician registration of Theresa J. Goldizen is suspended indefinitely. This suspension is effective immediately upon issuance of this order.
2. Respondent shall be notified of this order as provided in 657 Iowa Administrative Code 35.30(2).
3. A hearing regarding this Emergency Adjudicative Order and the Statement of Charges against Respondent shall be held on September 14, 2011. The hearing will commence at 10 A.M. and be held at the office of the Iowa Board of Pharmacy, 400 Southwest 8th Street, Suite E, Des Moines, Iowa 50309.

DATED this 29th day of August 2011.



SUSAN FREY, Chairperson
Iowa Board of Pharmacy
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

Goldizen Emerg Or 8-11.doc

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-76
Pharmacy Technician Registration of)	
THERESA J. GOLDIZEN)	STATEMENT OF CHARGES
Registration No. 2630,)	
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 (2011).
3. The Board issued Theresa J. Goldizen (hereinafter, "Respondent") pharmacy technician registration number 2630, 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 last renewed on February 14, 2011, and will expire on February 8, 2013.
4. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Medicap Pharmacy, 628 Nile Kinnick Drive South, Adel, Iowa 50003.

A. CHARGES

COUNT I – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2011), and 657 Iowa Administrative Code § 36.1(4)(m) with the inability to practice as a pharmacy technician, with reasonable skill and safety, due to chemical abuse.

COUNT II – UNLAWFUL POSSESSION OF DRUGS

Respondent is charged pursuant to Iowa Code §§ 124.403, 155A.6A(5) and 155A.21 (2011), and 657 Iowa Administrative Code § 36.1(4)(h), with possession and distribution of prescription drugs, including controlled substances, for other than lawful purposes.

COUNT III – VIOLATING LAWS RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2011) and 657 Iowa Administrative Code § 36.1(4)(j) with violating state laws related to the practice of

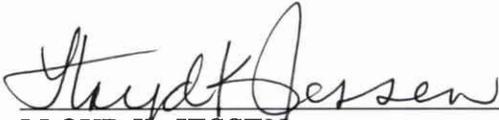
pharmacy; specifically, laws relating to possession and distribution of controlled substances found at Iowa Code §§ 124.403 and 155A.21 (2011).

B. CIRCUMSTANCES

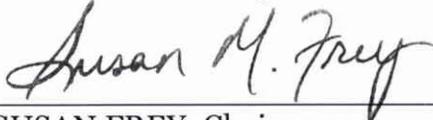
An investigation was commenced on June 29, 2011, which revealed the following:

- a. At all times material, Respondent was employed as a certified pharmacy technician at Medicap Pharmacy, 628 Nile Kinnick Drive South, Adel, Iowa 50003.
- b. Medicap Pharmacy submitted DEA form 106 to the Board of Pharmacy on June 16, 2011, indicating a loss of 100 tablets of dexamethylphenidate 10mg.
- c. On June 23, 2011, Medicap performed an audit of all Schedule II drugs and discovered the following additional losses:
 - 100 tablets of hydromorphone 2mg
 - 100 tablets of hydromorphone 4mg
 - 129 tablets of hydromorphone 8mg
 - 30 tablets of dextroamphetamine 5mg
- d. Prior to June 24, 2011, Respondent had a key to the pharmacy.
- e. Respondent's employer reported that during an ordinary work day, Respondent made several trips to the bathroom throughout the day and get into her purse often. Additionally, Respondent wandered back into the nursing home cassette fill area regularly, but would never tell anyone why she was going there. Video footage from June 30, 2011, confirms Respondent's suspicious behavior.
- f. A urine sample was collected from Respondent on June 30, 2011 tested positive for the presence of nordiazepam, oxazepam, temazepam, hydromorphone, and hydrocodone. Respondent has never been prescribed hydromorphone or any type of benzodiazepine such as diazepam, oxazepam, or temazepam. Respondent does not have a current prescription for hydrocodone.
- g. A subsequent audit revealed that more than 3000 Hydrocodone/APAP tablets and more than 2000 Zolpidem tablets are missing from the pharmacy.

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 Director

On this 29th day of August 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN FREY, Chairperson
Iowa Board of Pharmacy
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

Goldizen-tech SOC 8-11

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-76
Technician Registration of)	
THERESA J. GOLDIZEN)	STIPULATION
Registration No. 2630)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Theresa J. Goldizen (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 technician registration number 2630, registering her as a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent's pharmacy technician registration was last renewed February 14, 2011, and will expire February 8, 2013.
3. Respondent was, at all times material to the Statement of Charges, employed as a pharmacy technician at Medicap Pharmacy, 628 Nile Kinnick Drive South, Adel, Iowa 50003.
4. A Statement of Charges was filed against Respondent by the Board on August 29, 2011.

5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to 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 technician registration shall be suspended indefinitely. Suspension of Respondent's registration may be terminated only at such time as Respondent:
 - a. Obtains a complete physical and mental health evaluation – including a substance abuse evaluation – from a physician/treatment provider approved in advance by the Board.
 - b. Delivers to the Board a written, fully documented and current physical and mental health evaluation -- including a substance abuse evaluation -- of Respondent which concludes that Respondent is mentally and physically fit to practice as a pharmacy technician. Any conclusion that the Respondent is fit to return to *the practice of a pharmacy technician* will include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting.
 - c. Permits the Board complete access to Respondent's medical records, including records of substance abuse evaluation and treatment.
8. At such time as Respondent is able to deliver to the Board a written, fully documented and current physical and mental health evaluation, including a substance abuse evaluation, which concludes that Respondent is mentally and physically fit to practice

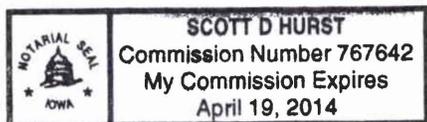
- o. Such other reasonable terms as the Board may wish to impose as a result of (i) findings that Respondent is chemically dependant, (ii) the length of time Respondent's technician registration is suspended pursuant to paragraph 8 above or (iii) the amount or nature of chemical dependency treatment Respondent must participate in as directed by her physician/treatment provider. If Respondent has been found to be chemically dependent, Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist or pharmacist technician advocate.
10. Should 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 Respondent's Iowa pharmacy technician or to impose other registrant discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC § 36.
11. 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.
12. The State's legal counsel may present this Stipulation and Consent Order to the Board.
13. This Stipulation and Consent 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 Stipulation and Consent Order, it shall be the full and final resolution of this matter.
14. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL

ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 24th day of October 2011.

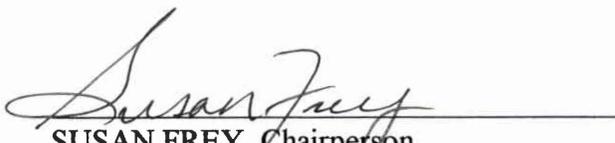

THERESA J. GOLDIZEN,
Respondent

Subscribed and sworn to before me by Theresa J. Goldizen on this 24th day of October 2011.




NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 10th day of November 2011.


SUSAN FREY, Chairperson
Iowa Board of Pharmacy
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

Goldizen settle 9-11.doc