

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	Case No. 2012-100
Pharmacy Technician Registration of	)	
<b>KRISTI HAGEN-VASQUEZ,</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 7906,	)	<b>&amp; NOTICE OF HEARING</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacy technician registration number 7906. Respondent's technician registration is active and expires on November 30, 2012.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on January 15, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon hearing session, beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8<sup>th</sup> 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 prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover State Office Building  
Des Moines, Iowa 50319.

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at

Theresa.Weeg@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an 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. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@iowa.gov.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

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 17A, 147, 148C, and 272C (2011) and 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 POSSESSION OF DRUGS**

Respondent is charged with the unlawful possession of prescription drugs, in violation of Iowa Code sections 124.403(1)(c), 155A.6A(5), and 155A.21(1) and 657 Iowa Administrative Code 36.1(4)(j).

### **Count II UNETHICAL CONDUCT**

Respondent is charged with unethical conduct by releasing confidential patient information, in violation of Iowa Code section 147.55(3) and 657 Iowa Administrative Code 3.28(2).

Count III  
UNETHICAL CONDUCT

Respondent is charged with unethical conduct by engaging in the theft of controlled substances from her pharmacy, in violation of Iowa Code section 147.55(3) and 657 Iowa Administrative Code 3.28(4).

**D. FACTUAL CIRCUMSTANCES**

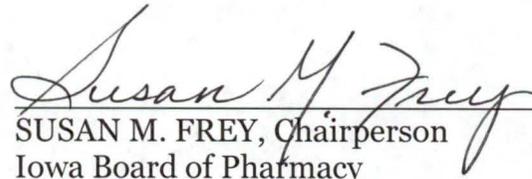
1. Respondent is a registered licensed pharmacy technician in the State of Iowa. Her registration is active and expires on November 30, 2012.
2. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Walgreens Pharmacy at 2545 E. University, Des Moines, IA.
3. In May of 2012, Walgreens Pharmacy received information that Respondent had engaged in the theft of controlled substances from the pharmacy, and that Respondent had released a patient's phone number to a third party.
4. When interviewed by a Walgreens staff person, Respondent admitted she had obtained a patient's phone number from the records at Walgreens Pharmacy and provided that information to a third party. Respondent also admitted to taking 15-20 hydrocodone tablets from the pharmacy because she was experiencing pain from a medical condition. Respondent was terminated from employment.
5. Walgreens Pharmacy conducted an audit over a period of one year and identified a shortage of 49 tablets of hydrocodone.

**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 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Theresa Weeg.

**F. PROBABLE CAUSE FINDING**

On this 9<sup>th</sup> day of November, 2012, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa Weeg  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

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Re:	)	Case No. 2012-100
Pharmacy Technician Registration of	)	
<b>KRISTI HAGEN-VASQUEZ,</b>	)	<b>SETTLEMENT AGREEMENT</b>
Registration No. 7906	)	<b>AND</b>
Respondent.	)	<b>FINAL ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Kristi Hagen-Vasquez (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 Pharmacy Technician Registration No. 7906.
2. Iowa Pharmacy Technician Registration Number 7906 is active and expired on November 30, 2012.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against the Respondent on November 9, 2012.

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IOWA BOARD OF PHARMACY

5. At all times relevant to the Statement of Charges, Respondent was employed as a pharmacy technician at Walgreens Pharmacy at 2545 E. University, Des Moines, Iowa.
6. Respondent has chosen not to contest the allegations in the Statement of Charges.
7. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
8. 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.
9. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.
10. This voluntary surrender is considered a revocation of license under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.
11. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.
12. Respondent agrees not to engage in any aspect of the practice of a pharmacy technician after the date of her signature on this Order.

13. 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 (2011) and 657 IAC 36.
14. 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.
15. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
16. 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.
17. 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 7 day of January 2013.

  
KRISTI HAGEN-VASQUEZ, Pharmacy

Technician

Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy  
on the 16<sup>th</sup> day of January 2013.

  
SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa O=Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319