

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-74
Certified Technician Registration of)	
)	NOTICE OF HEARING AND
ASHLEY HENSON)	STATEMENT OF CHARGES
License No. 8907)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges against Ashley Henson pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent's Iowa certified technician registration number 8907 is currently active and expires on June 30, 2015.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on September 1, 2015, before the Board. The hearing shall be held during the afternoon session beginning at 1:00 p.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:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at Meghan.Gavin@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 (2015).

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

ENGAGING IN UNETHICAL BEHAVIOR

Respondent is charged with engaging in unethical behavior, in violation of Iowa Code sections 147.55(3) and 155A.6A(5) and 657 Iowa Administrative Code rules 3.28(4), 3.30, and 36.1(4)(u).

Count II

OBTAINING OR POSSESSING PRESCRIPTION DRUGS WITHOUT LAWFUL AUTHORITY

Respondent is charged with obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority in violation of Iowa Code section 147.55(9) and 155A.6A(5) and 657 Administrative Code rules 3.30 and 36.1(4)(aj).

Count III

DIVERSION OF PRESCRIPTION DRUGS

Respondent is charged with diverting prescription drugs from a pharmacy for personal use of for distribution in violation of Iowa Code sections 147.55(9) and 155A.6A(5) and 657 Iowa Administrative Code rules 3.30 and 36.1(4)(ak).

D. FACTUAL CIRCUMSTANCES

1. Respondent holds Iowa certified technician license number 8907, which is currently active and expires on June 30, 2015.
2. Respondent was employed as a technician at Hy-Vee Pharmacy in Cherokee, Iowa.

3. Respondent was observed on camera taking tablets out of a bottle and putting them into the pocket of her lab coat.

4. A review of the pharmacy's inventory showed 23 tablets of hydrocodone/apap 7.5mg/325mg unaccounted for.

5. Respondent was charged with Theft in the Fifth Degree as a result of this incident.

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 Meghan Gavin at (515) 281-6736.

F. FINDING OF PROBABLE CAUSE

On this 23rd day of June, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Edward L. Maier, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

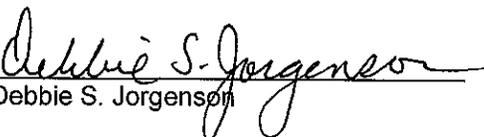
PROOF OF SERVICE

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703106714733 | <input type="checkbox"/> other _____ |

on the 25th day of June, 2015.

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. 2015-74
Certified Technician Registration)	
)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
ASHLEY HENSON,)	
Registration No. 8907,)	
Respondent.)	

COME NOW the Iowa Board of Pharmacy ("Board") and Ashley Henson ("Respondent"), and enter into this Settlement Agreement and Final Order ("Agreement") pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2015) to settle a licensee disciplinary proceeding currently pending before the Board.

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

1. Respondent holds Iowa certified technician registration number 8907, which expired on June 30, 2015.
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 June 23, 2015.
4. Respondent admits to 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. Execution of this Settlement Agreement and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Agreement. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.
7. This Agreement shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
8. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any

RECEIVED

SEP 01 2015

IOWA BOARD OF PHARMACY

purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

9. This Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

10. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.

11. This Agreement shall not be binding as to any new complaints received by the Board.

12. The Board's approval of this Agreement shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

13. Respondent agrees to **VOLUNTARILY SURRENDER** her certified technician registration.

14. This voluntary surrender is considered a revocation of license under Iowa Administrative Code rule 657—36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.

15. Respondent may request reinstatement of her Iowa certified technician registration by filing an application for reinstatement under Iowa Administrative Code rule 657—36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for revocation of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.

16. Respondent agrees not to engage in any aspect of the practice of pharmacy until her registration has been reinstated.

17. 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 (2015) and Iowa Administrative Code chapter 657—36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 28 day of August, 2015.



ASHLEY HENSON
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 1st day of September, 2015.



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

Copies to:

Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319