

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-124
Technician Trainee Registration of)	
)	NOTICE OF HEARING AND
MARIE JORGENSEN)	STATEMENT OF CHARGES
Registration No. 18723)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Marie Jorgensen ("Respondent"), 151 North 6th Street, Akron, Iowa 51001, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent's Iowa pharmacy technician registration number 18723 expired on February 28, 2013.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on March 11, 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 (2013) 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 657 Iowa Administrative Code rule 3.28(4), pursuant to Iowa Code section 155A.6A(5), and 657 Iowa Administrative Code rules 3.30(1), 36.1(4)(c), and 36.1(4)(u).

Count II

UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES

Respondent is charged with unlawful possession of controlled substances in violation of Iowa Code section 155A.21(1), pursuant to Iowa Code section 155A.6A(5) and 657 Iowa Administrative Code rules 3.30(1) and 36.1(4)(f).

Count III

WORKING WITHOUT CURRENT PHARMACY TECHNICIAN REGISTRATION

Respondent is charged with assisting a pharmacist with technical functions without a current pharmacy technician registration in violation of 657 Iowa Administrative Code rule 3.3, pursuant to Iowa Code section 155A.6A(5), and 657 Iowa Administrative Code rules 3.30(1) and 36.1(4)(v).

D. FACTUAL CIRCUMSTANCES

1. Respondent was issued Iowa pharmacy technician registration number 18723 on July 26, 2012.

2. Iowa pharmacy technician trainee registration number 18723 expired on February 28, 2013.

3. Respondent failed to complete national certification prior to the expiration of her registration.

4. On March 4, 2013, Hy-Vee Pharmacy #1382, located at 1201 12th Avenue SW, LeMars, Iowa, performed a controlled substances inventory.

5. On March 29, 2013, Respondent was hired by Hy-Vee Pharmacy #1382 as a pharmacy technician.

6. Respondent submitted a pharmacy support person application to the Board dated April 11, 2013.

7. Respondent's pharmacy support person application was returned to her on April 15, 2013 because she neglected to sign the check submitted with the application.

8. On April 17, 2013, Hy-Vee Pharmacy #1382 reported a loss of 404 hydrocodone tablets of varying strengths and 59 Methylin tablets.

9. Hy-Vee Pharmacy #1382 attributed the losses to employee pilferage.

10. Based on circumstantial evidence, Hy-Vee Pharmacy #1382 suspected Respondent was responsible for the employee pilferage.

11. Respondent stopped coming to work after Hy-Vee Pharmacy #1382 discovered the discrepancies.

12. Respondent left a voicemail with a pharmacist at Hy-Vee Pharmacy #1382 explaining she would not be returning to work due to family health issues.

13. Respondent was terminated by Hy-Vee Pharmacy #1382 on the basis of job abandonment.

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 14th day of January, 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

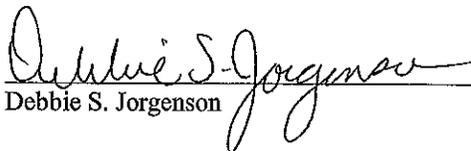
cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

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 917199999170339553254 | <input type="checkbox"/> other _____ |
- on the 15th day of January, 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. 2013-124
Technician Trainee Registration of)	
MARIE JORGENSEN)	SETTLEMENT AGREEMENT AND
Registration No. 18723)	FINAL ORDER
<u>Respondent.</u>)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Marie Jorgensen ("Respondent") enter into the following Settlement Agreement 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. The Board has jurisdiction over the parties and the subject matter of these proceedings.
2. Respondent was issued Pharmacy Technician Trainee Registration No. 18723 on July 26, 2012. Respondent's registration expired on February 28, 2013.
3. Respondent failed to complete national certification prior to the expiration of her technician trainee registration.
4. Respondent worked as a pharmacy technician after her technician trainee registration expired.
5. Respondent has since ceased practice as a pharmacy technician.
6. A Statement of Charges with three counts was filed against Respondent on January 14, 2014.
7. Upon the Board's approval of this Settlement Agreement and Final Order, Count II of the Statement of Charges is **DISMISSED**.
8. Respondent admits the factual allegations related to Count I and Count III in the Statement of Charges and acknowledges that these allegations, if proven in a contested case proceeding, would constitute grounds for discipline.
9. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent is hereby **CITED** for engaging in unethical behavior and working without current pharmacy technician registration and **WARNED** that, should Respondent obtain a license or registration governed by the Board in the future, Respondent's failure to comply with the laws governing the practice of pharmacy could result in further discipline.

10. Respondent's registration shall be administratively cancelled due to expiration, pursuant to 657 Iowa Administrative Code rule 3.9(2)(c). Respondent agrees not to engage in any aspect of the practice of a pharmacy technician unless she receives a new registration.
11. This Settlement Agreement is the resolution of a contested case. By entering into this Settlement Agreement, 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.
12. Respondent is freely and voluntarily entering into this Settlement Agreement.
13. Respondent acknowledges that she has a right to be represented by counsel on this matter.
14. The State's legal counsel may present this Settlement Agreement to the Board *ex parte*.
15. This Settlement Agreement is subject to approval by a majority of the full Board. If the Board fails to approve this Settlement Agreement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement, it shall be the full and final resolution of this matter.
16. This Settlement 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.
17. The Board's approval of this Settlement Agreement 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 22 day of August, 2014.



MARIE JORGENSEN
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 26 day of August, 2014.



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

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