

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

Re:)	Case No. 2002-7030
Pharmacy Technician Registration of:)	
PAULA GRACE TILL)	STATEMENT OF CHARGES
Registration No. 7030)	
Respondent)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2001).
3. On December 26, 2001, the Board issued Respondent, Paula Grace Till, pharmacy technician registration number 7030 to be registered as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 7030 is current and active until September 30, 2003.
5. Respondent's current address is 1117 Third Street, Camanche, Iowa 52730.
6. Respondent is not currently employed as a pharmacy technician.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.6(7) (2001) and 657 Iowa Administrative Code § 22.18 with violation of the laws of the State of Iowa and the United States relating to controlled substances by possessing controlled substances in violation of Iowa Code §§ 124.401(5), 124.403(c), 124.210 & 155A.23.

THE CIRCUMSTANCES

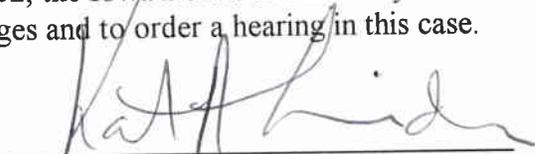
1. On or about May 10, 2002, the Board received a complaint alleging that the Respondent had been arrested on methamphetamine related charges.

2. The Respondent has been criminally charged with conspiring with others to manufacture methamphetamine.
3. During the investigation of the allegations in paragraph 1, the Board also learned that the Respondent submitted to a drug test at the request of her employer, and the test results were positive for marijuana and amphetamines.

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 Secretary/Director

On this 6 day of August, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RE:)	CASE NO. 2002-7030
Pharmacy Technician Registration of:)	DIA NO: 02PHB003
PAULA GRACE TILL)	FINDINGS OF FACT,
Registration No. 7030)	CONCLUSIONS OF LAW,
Respondent)	DECISION AND ORDER

TO: PAULA GRACE TILL

On August 6, 2002, the Iowa Board of Pharmacy Examiners (Board) found probable cause to file a Statement of Charges against Paula Grace Till (Respondent), a registered pharmacy technician. The Statement of Charges alleged one count:

COUNT I: The Respondent is charged under Iowa Code section 155A.6(7)(2001) and 657 IAC 22.18 with violation of the laws of the state of Iowa and the United States relating to controlled substances by possessing controlled substances in violation of Iowa Code sections 124.401(5), 124.403(c), 124.210, and 155A.23.

A Notice of Hearing was issued on August 7, 2002 and was served on the Respondent by certified mail, return receipt requested. The hearing on the Statement of Charges was held on December 4, 2002 at 1:00 p.m., in the conference room at 400 SW 8th Street, Des Moines, Iowa. The following members of the Board were present: Katherine A. Linder, Chairperson; Paul Abramowitz; Michael J. Seifert; Leman Olson; Vernon Benjamin; and G. Kay Bolton. The Respondent did not appear, nor was she represented by counsel. The state was represented by Shauna Russell Shields, Assistant Attorney General. The hearing was recorded by a certified court reporter. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2001).

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 the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

substance abuse class. The Respondent denied ever taking drugs from the pharmacy where she was employed as a technician. She enjoyed her work as a technician and was taking home study courses to become a certified technician. (Testimony of Jackie Devine; State Exhibit D)

5. On May 1, 2002, the Respondent was charged in Clinton County District Court with Manufacturing a Controlled Substance, Methamphetamine, in violation of Iowa Code section 124.401(1)(b)(7), a Class B Felony. On August 22, 2002, she pled guilty to Conspiracy to Manufacture Methamphetamine, in violation of Iowa Code section 124.401(1)(c)(6), and was sentenced to a term of imprisonment not to exceed ten (10) years. The mandatory minimum sentence was waived. She was also ordered to pay a \$1,000 fine and court costs. (Testimony of Jackie Devine; State Exhibit D, pp. 8-9; Exhibit E)

CONCLUSIONS OF LAW

I. Failure to Appear

657 IAC 35.5(1)"b" provides that the notice of hearing may be executed by certified mail, return receipt requested. 657 IAC 36.5(3) provides that the notice shall be delivered at least 30 days before the time set for the hearing.

The notice of hearing was delivered the Respondent by certified mail, return receipt requested on August 10, 2002. (State Exhibit B) She was properly served with the notice of hearing but failed to appear or request appearance by telephone.

If a party fails to appear or participate in a contested case hearing after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party. 657 IAC 35.21 (1). When the Respondent failed to appear, the Board was authorized to proceed with the hearing.

II. The Violation

Iowa Code section 155A.6(7)(2001) provides, in relevant part:

155A.6 Pharmacist internship program and pharmacy technician registration.

...

7. The board may deny, suspend, or revoke a pharmacy technician registration for any violation of the laws

DECISION AND ORDER

IT IS THEREFORE ORDERED that pharmacy technician registration no. 7030, issued to Paula Grace Till, shall be REVOKED, effective immediately upon service of this order.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.17, that the Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board shall bill the Respondent for any witness fees or transcript costs associated with this disciplinary hearing. The Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 19th day of February, 2003.



Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners

cc: Shauna Russell Shields, Assistant Attorney General

Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final agency action, unless, within 15 days after the date of notification or mailing of this decision, a motion to vacate is filed and served on all parties or an appeal of the decision on the merits is timely initiated within the time frame provided by rule 657-35.26... A motion to vacate shall state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit or a person with personal knowledge of each such fact attached to the motion. 657 IAC 35.21. The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate. 657 IAC 35.21(4).

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

Re:)	
Pharmacy Technician Registration of)	REINSTATEMENT
PAULA GRACE KETELSEN)	ORDER
f/k/a PAULA GRACE TILL)	
Registration No. 7030)	
Respondent)	

COMES NOW, Susan Frey, Vice-Chair of the Iowa Board of Pharmacy, on the 2nd day of July, 2009, and declares that:

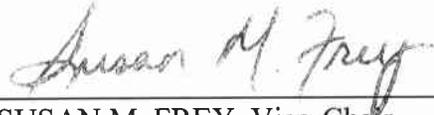
1. On February 19, 2003, the Board adopted Findings of Fact, Conclusions of Law, Decision and Order revoking Respondent's pharmacy technician registration.
2. On June 2, 2009, Respondent appeared before the Board at an Informal Reinstatement Conference pursuant to 657 I.A.C. 36.14.
3. Based on the testimony presented at the Informal Reinstatement Conference, the Board concludes that the basis for the revocation of Respondent's pharmacy technician registration no longer exists and that it is in the public interest to allow her registration to be reinstated.

WHEREFORE, following deliberation by the Board, it is hereby ordered that Respondent's pharmacy technician registration number 7030 shall be reinstated, subject to the following terms and conditions:

1. Respondent's renewal registration, which has already been submitted, will be processed and placed on probation for a term of five (5) years. The Respondent's probation is subject to the following terms and conditions:
 - a. Respondent's period of probation shall begin on the date of this Order and continue for five years.
 - b. Respondent shall not possess or use any controlled substance or prescription drug, in any form, unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider.
 - c. Upon demand by an agent of the Board, Respondent shall provide witnessed blood or urine specimens, with costs relating to analysis to be paid for by Respondent. The specimens shall be used for alcohol

and drug screening and to verify Respondent's compliance with this Reinstatement Order.

- d. For the purpose of facilitating paragraph (c), above, Respondent shall work with FirstLabs or another Board-approved testing service to provide random specimens for laboratory testing as directed by the Board.
 - e. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of her probation. The reports shall be filed not later than March 5, June 5, September 5, and December 5 of each year of Respondent's probation. The quarterly reports shall include 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.
 - f. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearance.
 - g. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy and the distribution of controlled substances.
 - h. 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.
 - i. Respondent will participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate.
 - j. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacy technician registration is or will be utilized in the course of her employment. Within fifteen (15) days of undertaking new employment as a pharmacy technician, Respondent shall cause her employer to report to the Board in writing, acknowledging that the employer has read this Order and understands it.
2. Should Respondent violate or fail to comply with any of the terms, conditions, or restrictions of probation, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacy technician registration, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2007), and 657 IAC 36.



SUSAN M. FREY, Vice-Chair
Iowa Board of Pharmacy
RiverPoint Business Park
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck,
Attorney General