

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2006-55
Pharmacy Technician Registration of:)
DEB KINGERY,) **STATEMENT OF CHARGES**
Registration No. 2058,)
Respondent.)

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

1. He is the Executive Director for 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 155A and 272C (2007).
3. In 1998 the Board issued Deb Kingery (hereinafter, "Respondent") a pharmacy technician registration number 2058, authorizing her to serve as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was renewed November 16, 2006.
4. Respondent's address of record is 1610 E. Robinson Lot #79, Knoxville, Iowa 50138.
5. At all times material to this statement of charges, Respondent was employed as a pharmacy technician at Hy-Vee Pharmacy, 809 W. Rock Island Street, Knoxville, Iowa 50138.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

The Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.6(7) (2007), 155A.21 (2007) and 657 Iowa Administrative Code § 36.1(4)(j).

COUNT II – OBTAINING PRESCRIPTION BY FORGERY

Respondent is charged pursuant to Iowa Code §§ 155A.6(7) and 155A.23(1)(b) (2007), and 657 Iowa Administrative Code § 36.1(4)(c), with obtaining a prescription drug by forging a prescription.

COUNT II – VIOLATING LAWS RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code §§ 155A.6(7), 155A.21, 155A.23(1)(b) and 155A.23(2) (2007), and 657 Iowa Administrative Code § 36.1(4)(i), with violating state laws related to the distribution of prescription medications and to her work as a pharmacy technician.

B. FACTUAL CIRCUMSTANCES

The circumstances supporting the charges are set forth on Attachment A.

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 25 day of October 2007, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


PAUL ABRAMOWITZ, 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

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2006-55
Pharmacy Technician Registration of)	
DEB KINGERY)	STIPULATION
Registration No. 2058)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3 (4) (2007), the Iowa Board of Pharmacy (hereinafter “Board”) and Deb Kingery (hereinafter, “Respondent”) enter into the following Stipulation and Consent Order settling a contested case. The pending contested case is a disciplinary proceeding before the Board based on allegations specified in a Statement of Charges filed October 25, 2007. The Board and Respondent, who agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. Respondent was issued a pharmacy technician registration, as evidenced by Pharmacy Technician Registration Number 2058, which is recorded in the permanent records of the Board.
2. Iowa Pharmacy Technician Registration Number 2058, was renewed on November 16, 2006, and is current through December 31, 2008.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against the Respondent on October 25, 2007.
5. At all times material to the Statement of Charges, Respondent was employed as a pharmacy technician at the Hy-Vee Pharmacy, 809 W. Rock Island Street, Knoxville, Iowa 50138.

6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges.

Respondent acknowledges that the allegations, if proven in such a proceeding, would constitute grounds for the discipline described herein.

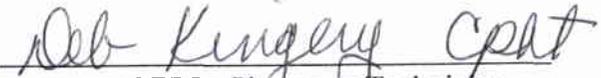
7. Commencing on the date of the Board's approval of this Stipulation and Consent Order, Respondent's technician registration shall be placed on probation on terms including, but not be limited to, the following:

- a. Respondent agrees to comply with the terms of probation.
- b. Respondent's period of probation shall continue for three (3) years or until Respondent has been employed in Iowa as a pharmacy technician for three years subsequent to the date of this Stipulation and Consent Order, with only those time periods during which Respondent is employed as a pharmacy technician in Iowa counting toward satisfaction of the probationary period requirement.
- c. Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within ten (10) days of the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
- d. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete pharmacy technician education or other formal, structured education in (1) ethical issues relating to employment as a pharmacy technician and (2) personal ethics. The structured education shall be not less than six (6) hours in length and shall be pre-approved by the Board. Upon completion of the

- education, documentation of satisfactory completion shall be promptly submitted to the Board.
- e. Respondent shall obtain pharmacy technician certification from the Pharmacy Technician Certification Board (PTCB) within six (6) months after the Board's approval of this Stipulation and Consent Order.
 - f. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.
 - g. Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.
 - h. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.
 - i. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacy technician during her probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
 - j. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

- k. Such other reasonable terms as the Board may wish to impose.
8. 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 pharmacy technician registration or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2007), and 657 IAC 36.
9. This Stipulation and Consent Order constitutes 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.
10. This Stipulation and Consent Order is a proposed settlement, and is subject to approval by a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, 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.
11. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 29th day of Sept, 2008.


DEB KINGERY, Pharmacy Technician
Respondent

Subscribed and sworn to before me by Deb Kingery on this 29th day of September, 2008.



Mindy Goldsberry
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 7th day of October 2008.

Leman Olson
LEMAN OLSON, 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