

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	Case Nos. 2014-101
Pharmacy Support Person Registration	)	
<b>KATE KLINGBORG</b>	)	<b>NOTICE OF HEARING</b>
Registration No. 2268,	)	<b>&amp; STATEMENT OF CHARGES</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 support person registration number 2268. Respondent's license is currently active.

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

Hearing. A disciplinary contested case hearing shall be held on November 18 2014, before the Iowa Board of Pharmacy. 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. 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.

Meghan Gavin  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover State Office Building  
Des Moines, Iowa 50319.

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

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

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 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 17A, 147, 148C, and 272C (2013) 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 UNETHICAL CONDUCT OR PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC**

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 155A.6B(5) and 657 Iowa Administrative Code rules 5.25(1), (4), 5.26(1) and 36.1(4)(c).

### **Count II FRAUD IN PROCURING A REGISTRATION**

Respondent is charged with fraud in procuring a registration in violation of Iowa Code section 155A.6B(5) and 657 Iowa Administrative Code rules 5.26(1) and 36.1(4)(a).

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent was employed as a pharmacy support person at Wester Drug in Muscatine, Iowa. She was hired May 6, 2013 and her pharmacy support registration was issued to her on May 17, 2013.

2. On her registration application, the Respondent checked "no" to question 8 which asked, "Have you ever been charged, convicted, found guilty of, or entered a plea of guilty or no contest to a felony or misdemeanor crime (*other than minor traffic violations with fines under \$100*)?"

3. Respondent was charged and convicted of 2<sup>nd</sup> Degree Theft in March of 2013. Respondent was charged with 3<sup>rd</sup> Degree Theft in December 2012. That charge was dismissed. Respondent was charged and convicted of 5<sup>th</sup> Degree Theft in June 2011.

4. Respondent also failed to disclose these charges and convictions on her application for employment at Wester Pharmacy.

#### **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 Meghan Gavin.

#### **F. PROBABLE CAUSE FINDING**

On this the 2<sup>7</sup>~~6~~th day of August, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



JAMES MILLER, Vice Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Meghan Gavin  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

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 checked="" type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile                   |
| Article Number <u>9171999991703239255509</u>                                 | <input type="checkbox"/> other _____                 |

on the 26th day of August, 20  .

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**

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Re:	)	CASE NO. 2014-101
Pharmacist Support Person	)	
Registration of	)	<b>SETTLEMENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
<b>KATE KLINGBORG,</b>	)	
Registration No. 2268,	)	
Respondent.	)	

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**COME NOW** the Iowa Board of Pharmacy (“Board”) and Kate Klingborg (“Respondent”), and enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2013) 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 pharmacist support person registration number 2268, which expired on August 31, 2014.
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 August 26, 2014.
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. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacist support person registration.
6. 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.
7. Respondent may request reinstatement of her Iowa pharmacist support person 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.

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

9. 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 (2013) and Iowa Administrative Code chapter 657—36.

10. 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.

11. 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.

12. 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.

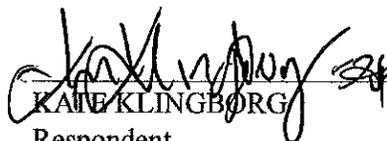
13. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

14. 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.

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

16. The Board's approval of this 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 30 day of October, 2014.

  
KATE KLINGBORG  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 19 day of November, 2014.



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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, 2<sup>nd</sup> Floor  
Des Moines, IA 50319