

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2014-116
Technician Trainee Registration of)	
AMANDA KNOUSE)	NOTICE OF HEARING
Registration No. 20304,)	& STATEMENT OF CHARGES
Respondent.)	

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 technician trainee registration number 20304. Respondent's registration expired on December 31, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 28, 2015, 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. 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 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
2nd 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 sections 147.55(9) and 155A.6A(3)(a), (5) and 657 Iowa Administrative Code rules 3.28(4), 3.30, and 36.1(4)(e).

Count II FRAUD IN PROCURING A REGISTRATION

Respondent is charged with fraud in procuring a registration in violation of Iowa Code sections 147.55(1) and 155A.6A(3)(a), (5) and 657 Iowa Administrative Code rules 3.28(1), 3.30, and 36.1(4)(a).

Count III VIOLATING A STATUTE RELATED TO THE PRACTICE OF PHARMACY

Respondent is charged with violating a statute or law of this state, which relates to the practice of pharmacy or the distribution of controlled substances in violation of Iowa Code sections 147.55(9), 155A.6A(3)(a), (5), and 155A.23 and 657 Iowa Administrative Code rule

36.1(4)(j).

D. FACTUAL CIRCUMSTANCES

1. Respondent was employed as a pharmacy technician trainee at the CVS Pharmacy, located at 3151 SE 14th Street in Des Moines, Iowa.

2. On March 27, 2014, the Board received an Initial Notification of Suspected Controlled Substance Theft or Potentially Significant Loss. The loss was believed to be the result of diversion by a pharmacy technician.

3. On April 18, 2014, CVS submitted a Report of Theft of Loss of Controlled Substances to the Board. The report indicated that loss of controlled substances, with included 2941 hydrocodone/APAP tablets, 98 alprazolam 1 mg tablets, 17 alprazolam 2 mg tablets, 20 Suboxone films, 110 zolpidem 10 mg tablets, and 33 hydrocodone/ibuprofen tablets, was due to diversion by the Respondent.

4. CVS Pharmacy provided a signed statement from the Respondent admitting to diversion.

5. On August 5, 2014, Respondent pled guilty to one count of Prohibited Act—Schedule I, II, or III Controlled Substance, a Class C felony, in violation of Iowa Code section 155A.23. Respondent received a deferred judgment.

6. 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*)?”

7. Respondent failed to disclose two prior charges. On September 23, 2009, Respondent was charged with assault. That charge was dismissed. On July 26, 2013, Respondent was charged with contempt for violation of a no contact or protective order. That charge was dismissed.

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 ^{6th} day of January, 2015, 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 Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

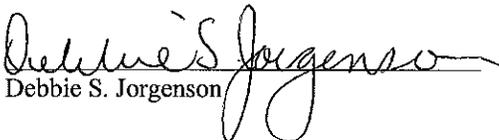
PROOF OF SERVICE

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

- | | |
|--|---|
| <input checked="" 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 <u>9171999991703106755927</u> | <input type="checkbox"/> other _____ |

on the 7th day of January, 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. 2014-116
Technician Trainee Registration of)	
AMANDA KNOUSE)	SETTLEMENT AGREEMENT AND
Registration No. 20304,)	FINAL ORDER
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Amanda Knouse ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case 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:

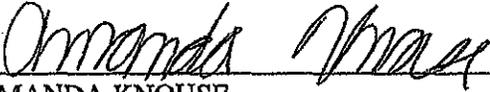
1. Respondent holds Iowa Pharmacy Technician Trainee Registration No. 20304, which is currently inactive, having expired on December 31, 2014.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on January 6, 2015.
4. Respondent admits 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 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 Settlement Agreement. Once entered, this Order 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 Order.
7. Respondent acknowledges that she has the right to be represented by counsel on this matter.
8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of the permanent record of Respondent 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.
11. 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.
12. This Order, 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.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

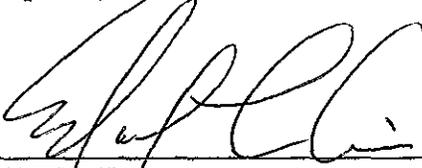
14. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician trainee registration to resolve this matter.
15. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Reinstatement requests are governed by 657 IAC 36.13.
16. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her registration is reinstated.
17. Respondent shall immediately surrender her pharmacy technician trainee registration to the Board.
18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 5 day of FEBRUARY, 2015.



AMANDA KNOUSE
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 10th day of March, 2015.



EDWARD MAIER, Chairperson

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

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