

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

Re:)	Case No. 2006-57
Pharmacy Technician Registration of)	
CINDY KOBS,)	STATEMENT OF CHARGES
Registration No. 9807,)	
Respondent.)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") 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 (2005).
3. The Board issued Respondent Cindy Kobs a pharmacy technician registration number 9807, registering her as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was renewed January 20, 2005
4. Respondent's technician registration expired November 30, 2006.
5. Respondent's current address is 2368 290th Street, Missouri Valley, IA 51555.
6. At all times material to this statement of charges, Respondent was not employed as a pharmacy technician.

A. CHARGES

COUNT I – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2005), and 657 Iowa Administrative Code § 36.1(4)(j), with violations of the laws of Iowa relating to controlled substances and prescription drugs.

COUNT II - CONVICTION OF FELONY RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2005), and 657 Iowa Administrative Code § 36.1(4)(e), with conviction of a felony related to the occupation of the Respondent.

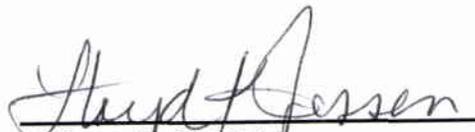
COUNT III - DISTRIBUTION OF DRUGS FOR UNLAWFUL PURPOSE

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2005), and 657 Iowa Administrative Code § 36.1(4)(h), with distribution of drugs for an unlawful purpose.

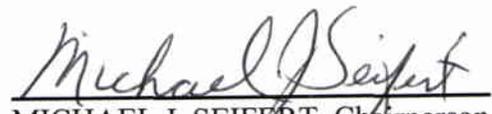
B. FACTUAL CIRCUMSTANCES

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 Secretary/Director

On this 16th day of January 2007, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
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 BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Technician Registration of)	CASE NO: 2006-57
)	DIA NO: 07PHB005
CINDY KOBS,)	
Registration No. 9807)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Respondent.)	and ORDER

This matter concerns a statement of charges filed against respondent Cindy Kobs on January 16, 2007. Respondent is a registered pharmacy technician. She was charged with three counts: 1) violating state laws relating to controlled substances, 2) conviction of a felony related to the occupation, and 3) distribution of drugs for an unlawful purpose.

The case was set for hearing before the Board of Pharmacy Examiners (the Board) on March 13, 2007. The following Board members were present for the hearing: Susan Frey, Vernon Benjamin, Michael Seifert, Leman Olson, Paul Abramowitz, and Kathleen Halloran. Jeffrey Farrell, an administrative law judge from the Iowa Department of Inspections and Appeals, assisted the Board. Scott Galenbeck, an assistant attorney general, represented the public interest. Respondent did not appear.

THE RECORD

The state's exhibits 1-5 were admitted. Debbie Jorgenson and Jennifer Tiffany testified on the state's behalf. Respondent did not appear.

FINDINGS OF FACT

Facts relating to statement of charges: Respondent has been licensed as a pharmacy technician. On June 6, 2006, respondent was arrested for three counts of delivery of a controlled substance. On October 3, 2006, respondent pled guilty to two counts: a class C felony for delivery of a schedule III controlled substance, and an aggravated misdemeanor for delivery of a schedule IV controlled substance. The remaining counts were dismissed based on the agreement. (Exhibits 5, 5A, 5B, 5G).

Jennifer Tiffany, a compliance officer with the Board, conducted an investigation. She talked to Trent Walker, a Council Bluffs police officer working with the Southwest Iowa Narcotics Enforcement task force. Officer Walker stated that an informant purchased prescription medication from Keith Kobs, respondent's husband. Law enforcement later learned that respondent was a pharmacy technician. Law enforcement set up a controlled

purchase from Mr. Kobs. The controlled buy resulted in a completed transaction. Thereafter, officers sought arrest warrants for the couple. (Exhibit 5).

Ms. Tiffany interviewed respondent on June 16, 2006. Respondent stated that she had sold prescription medication to a third party. She stated that she sold drugs that had been prescribed to her. She denied diverting and selling drugs from the pharmacy at which she worked. Respondent acknowledged profiting from the sale of the drugs. (Exhibit 5; Tiffany testimony).

Respondent told Ms. Tiffany that she was not currently working as a pharmacy technician. She reported working as a teacher's associate on a part-time basis. (Exhibit 5; Tiffany testimony).

Facts relating to service: The Board first attempted to serve respondent with the statement of charges via certified mail to respondent's last known address. The post office returned the envelope as not deliverable, unable to forward. The Board then provided notice by publication in the Des Moines Register on February 13, 20, and 27, 2007. (Exhibits 3-4).

CONCLUSIONS OF LAW

Regulatory framework: The Board was created for the express purpose to promote, preserve and protect the public health, safety, and welfare through the effective regulation of the practice of pharmacy.¹ The Board regulates the area, in part, through the licensing of pharmacies, pharmacists, and others engaged in the sale, delivery, or distribution of prescription drugs and devices.

A pharmacy technician is defined as a person registered by the Board who is employed by a pharmacy under the responsibility of a licensed pharmacist to assist in the technical functions of the practice.² The Board may deny, suspend, or revoke a pharmacy technician registration for any violation of the laws of a state or the federal government relating to prescription drugs, or any violation of several listed statutes or the Board's regulations.³

Statement of Charges: All three charges are interconnected and can be discussed together. The Board may impose discipline if a registrant is convicted of a felony related to the occupation, as alleged in count II.⁴ The Board may also impose discipline if a

¹ Iowa Code section 155A.2.

² Iowa Code section 155A.3(29).

³ Iowa Code section 155A.6(7).

⁴ 657 IAC 36.1(4)(e).

registrant has violated laws of Iowa relating to controlled substances, or has distributed drugs for an unlawful purpose, as alleged in counts I and III.⁵

In this case, the undisputed facts support all three charges. Respondent pled guilty to a felony and an aggravated misdemeanor for delivery of controlled substances. Her plea and subsequent conviction is directly related to the practice of pharmacy. Respondent admitted to Ms. Tiffany that she sold her personal prescription medication to a third person for profit, contrary to statute and in furtherance of an unlawful purpose. Discipline is justified by the record.

SANCTION

The Board is empowered to consider any sanction consistent with the request for relief made in the statement of charges and embraced in its issues.⁶ The statement of charges requested any relief deemed "appropriate under the law." The Board is authorized to revoke the registration of a pharmacy technician for any violation of the laws of the state, the Board's authorizing statute, or the Board's rules.⁷

The charges in this case are extremely serious. She violated the established mechanism for distribution of controlled substances. She was charged and convicted of a class C felony. She has harmed the integrity of the profession and jeopardized the public safety and welfare. Revocation is the appropriate sanction.

DECISION AND ORDER

The Iowa Board of Pharmacy Examiners revokes the pharmacy technician registration held by Cindy Kobs, registration no. 9807, effective immediately. Respondent shall immediately return her pharmacy technician registration to the Iowa Board of Pharmacy Examiners, 400 SW 8th St., Suite E, Des Moines, Iowa 50309-4688.

Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board may bill respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty days of receipt of the bill.

⁵ 657 IAC 36.1(4)(h), (j).

⁶ 657 IAC 35.21(9).

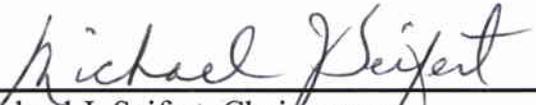
⁷ Iowa Code section 155A.6(7).

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Dated this th 24 day of April, 2007.



Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners

cc: Scott Galenbeck, Assistant Attorney General

Notice

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the Board, pursuant to Iowa Code section 17A.19.