

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

Re:	)	Case No. 2001-1513
Pharmacy Technician Registration of:)	
KATHY J. LAMPE	)	STATEMENT OF CHARGES
Registration No. 1513)	
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 November 15, 1999, the Board issued pharmacy technician registration number 1513 to the Respondent, Kathy J. Lampe, subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 1513 is current and active until December 31, 2001.
5. Respondent's current address is Golf View Mobile Home Court, #59, North Liberty, Iowa 52317.
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.

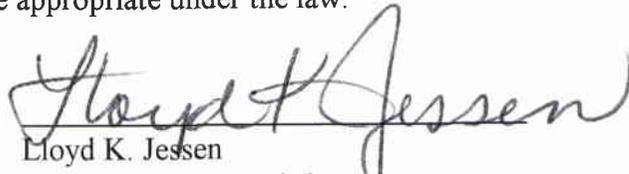
THE CIRCUMSTANCES

1. On or about February 9, 2001, the Board received information that the Respondent had been criminally charged with possession of a schedule I controlled

substance, a schedule II controlled substance, and drug paraphernalia.

2. The Respondent pled guilty to possession of a controlled substance, to wit: methamphetamine, in violation of Iowa Code sections 124.206(4)(b) and 124.401(5).
3. The Court deferred the Respondent's guilty plea and placed her on unsupervised probation for one year.
4. During the Board's investigation, the Respondent admitted possessing methamphetamine.

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 12th day of June, 2001, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Matthew C. Osterhaus, 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. 1513
Pharmacy Technician Registration of)	
KATHY J. LAMPE	)	STIPULATION
Registration No. 1513	)	AND
Respondent	)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Kathy J. Lampe, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on June 12, 2001, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. The Board issued the Respondent a pharmacy technician registration on November 15, 1999, as evidenced by Pharmacy Technician Registration Number 1513, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy Technician Registration Number 1513, issued to and held by Respondent is active and current until December 31, 2001.
3. Respondent is currently employed the University of Iowa Hospitals and Clinics, but is not currently working a pharmacy technician.

4. A Statement of Charges was filed against the Respondent on June 12, 2001.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. The Respondent's technician registration is suspended for a period of six months, however, the suspension will be stayed and the Respondent's technician registration will be placed on probation for a period of three (3) years beginning on the date the Board approves this Stipulation and Consent Order, with the following conditions:
 - a. The Respondent shall not consume alcohol.
 - b. The Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for the Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of her medical history, including her history of chemical dependency.
 - c. The Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify the Respondent's compliance with any drug therapy ordered by the Respondent's physician, all costs of which shall be paid by the Respondent.

- d. The Respondent shall comply with all treatment recommendations of her treatment program and her physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. The Respondent shall file written, sworn quarterly reports with the Board attesting her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the 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. The Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by the Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 7(e) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.
- g. The Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable

notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.

- h. The Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate.
 - i. During probation, the 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.
 - j. The Respondent agrees to release all her medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and the Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of the Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for three years from the date of the Board's approval of this Stipulation and Consent Order.
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to prescription drugs, controlled substances, or nonprescription drugs; with Iowa Code Chapters 124, 124A, 124B, 126, 147, and 205; and shall comply with the Board's rules.

9. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to reinstate the six month suspension or to revoke or suspend the Respondent's Iowa pharmacy technician registration or to impose other registrant discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
10. This Stipulation and Consent Order is 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.
11. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
12. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 10 day of Sept., 2001.

Kathy Lampe
Kathy J. Lampe
Respondent

Subscribed and sworn to before me by Kathy J. Lampe on this 10th day of September, 2001.



Josephine B. Holmes
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10 day of Oct, 2001.

Matthew C. Osterhaus
MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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

Re:) Case No. 2002-1513
Pharmacy Technician Registration of:)
KATHY J. LAMPE) **STATEMENT OF CHARGES**
Registration No. 1513)
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 (2003).
3. In 1997 the Board issued Respondent, Kathy J. Lampe, pharmacy technician registration number 1513 to be registered as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's registration is current and active until December 31, 2003
5. Respondent's current address is Golfview Mobile home Court, lot #59, North Liberty, Iowa 52317.
6. Respondent is currently employed at the University of Iowa Hospitals, Iowa City, Iowa.

COUNT I – FAILURE TO COMPLY WITH BOARD ORDER

The Respondent is charged under Iowa Code § 272C.3(2)(a) (2003) with a failure to comply with the terms of a Stipulation and Consent Order issued by the Iowa Board of Pharmacy Examiners on September 10, 2001 which prohibited Respondent from consuming alcohol for a three year period beginning on the date of the order.

THE CIRCUMSTANCES

1. Respondent entered into a Stipulation and Consent Order (hereinafter, "Order") with the Iowa Board of Pharmacy Examiners (hereinafter, "Board") on September 10, 2001. A provision in the Order provided that Respondent's license would be retained on a

probationary basis through September 10, 2004. One of the conditions of Respondent's probation was that she not consume alcohol.

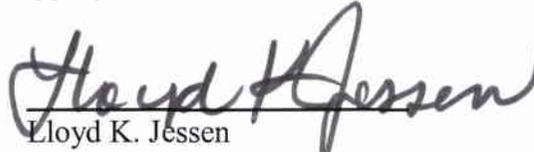
2. Section 7 of the Order provided as follows:

"The Respondent's technician registration is suspended for a period of six months, however, the suspension will be stayed and the Respondent's technician registration will be placed on probation for a period of three (3) years beginning on the date the Board approves this Stipulation and Consent Order, with the following conditions:

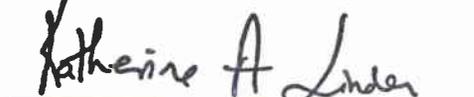
- a. The Respondent shall not consume alcohol.
- b. . . ."

3. Respondent attended a substance abuse evaluation in January of 2003. Laboratory analysis indicated that Respondent had consumed alcohol on the date of the evaluation. A urine sample obtained during a substance abuse evaluation revealed Respondent's blood alcohol content to be approximately .088)

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 23rd day of April, 2003, 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: 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:	)	Case No. 2002-1513
Pharmacy Technician Registration of)	
KATHY J. LAMPE	)	STIPULATION
License No. 1513	)	AND
Respondent	)	CONSENT ORDER
)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Kathy J. Lampe (hereinafter, "Respondent"), enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Iowa Board of Pharmacy Examiners based on allegations specified in a Statement of Charges filed April 23, 2003. The Board and Respondent, who hereby agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. Respondent was issued Iowa pharmacy technician registration number 1513 in 1997, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Respondent's registration is current and active until December 31, 2003.
3. Respondent is currently employed as a pharmacist at the University of Iowa Hospitals, 200 Hawkins Drive, Iowa City, Iowa, 52242.
4. A Statement of Charges was filed against Respondent on April 23, 2003.
5. The Board has jurisdiction over Respondent and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the suspension of her

pharmacy technician registration in Iowa and for the additional discipline as described herein.

7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be placed on probation for a period of five (5) years, under the following terms and conditions:
 - a. Respondent shall not consume alcohol.
 - 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 Stipulation and Consent Order and with any therapy ordered by Respondent's physician and/or counselor.
 - d. Respondent shall commence a substance abuse treatment program and shall comply with all treatment recommendations of her treatment program and her physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.
 - e. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation

and Consent Order. 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 attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's treatment program or physician/counselor. Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

g. 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 appearances.

h. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy and the distribution of controlled substances.

i. 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.

8. Respondent agrees to release all her medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol

and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and/or treatment provider(s) to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for three years from the date of the Board's approval of this Stipulation and Consent Order.

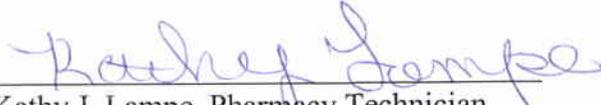
9. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacy technician registration is or will be utilized in the course of her employment. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her employer to report to the Board in writing, acknowledging that the employer has read this Stipulation and Consent Order and understands it.
10. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty payment shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.
11. Respondent acknowledges as follows: (1) Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order,

the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003), and 657 IAC 36, (2) the charges resolved by this Stipulation and Consent Order arose at a time when Respondent was on probation pursuant to an earlier Stipulation and Consent Order and (3) if Respondent again violates probationary terms, continuation of her technician registration is unlikely.

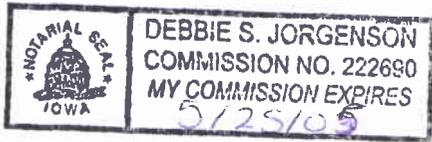
12. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
13. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
14. 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 4 day of ~~August~~ 2003.

Nov.


Kathy J. Lampe, Pharmacy Technician
Respondent

Subscribed and sworn to before me by Kathy J. Lampe on this 4 day of ^{November}~~August~~ 2003.



Debbie S. Jorgenson
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 6 day of Nov. 2003

Katherine A. Linder
KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
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

Lampe settlement.doc

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

Re:	)	Case No. 2003-01
Pharmacy Technician Registration of:)	
KATHY J. LAMPE	)	STATEMENT OF CHARGES
Registration No. 1513)	
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 (2003).
3. In 1997 the Board issued Respondent, Kathy J. Lampe, pharmacy technician registration number 1513 to be registered as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's registration is current and active until December 31, 2005.
5. Respondent's current address is Golfview Mobile home Court, lot #59, North Liberty, Iowa 52317.
6. Respondent was, at all material times, employed at the University of Iowa Hospitals, Iowa City, Iowa.

COUNT I – FAILURE TO COMPLY WITH BOARD ORDER

The Respondent is charged under Iowa Code § 272C.3(2)(a) (2003) with a failure to comply with the terms of a Stipulation and Consent Order issued by the Iowa Board of Pharmacy Examiners on November 6, 2003 which prohibited Respondent from possession or use of controlled substances, except as authorized and prescribed by a qualified health care provider, for a five year period commencing on the date of the order.

COUNT II – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE AND ADDICTION

The Respondent is charged with the inability to practice as a pharmacy technician with reasonable skill and safety by reason of chemical abuse and addiction in violation of Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

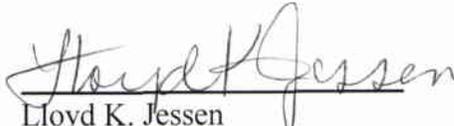
THE CIRCUMSTANCES

1. Respondent entered into a Stipulation and Consent Order (hereinafter, "Order") with the Iowa Board of Pharmacy Examiners (hereinafter, "Board") on November 6, 2003. A provision in the Order provided that Respondent's license would be retained on a probationary basis for a five-year period commencing on the date of the Order. One of the conditions of Respondent's probation was that she not possess or use controlled substances.
2. Section 7 of the Order provided as follows:

"Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be placed on probation for a period of five (5) years, under the following terms and conditions:

 - a. Respondent shall not use alcohol.
 - 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. ..."
3. A urine sample collected from Respondent on December 15, 2003 revealed heavy usage of methamphetamine. The drug screen evidenced both amphetamine and methamphetamine usage by Respondent.

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 1st day of March 2004, 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: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Lampe2-tech SOC.doc

VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

I, Kathy J. Lampe, a resident of Golfview Mobile Home Court, Lot #59, North Liberty, Iowa 52317, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my pharmacy technician registration in the State of Iowa, number 1513, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of registration shall become effective upon the notarized signature of the registrant, Kathy J. Lampe, being affixed to this voluntary surrender document.

I, Kathy J. Lampe, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued registration as a pharmacy technician pursuant to Chapter 155A, Code of Iowa (1999).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, Kathy J. Lampe, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.25, a pharmacy technician registration which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 36.23, which provides as follows:

Any person ... whose pharmacy technician registration ... has been revoked or suspended must meet the following eligibility requirements:

1. Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

....

3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement

of the license, registration, or permit. Such application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657—9.24 (17A,124B,147,155A,272C).

4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

5. An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657 Chapter 14.

I, Kathy J. Lampe, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of a pharmacy technician in the State of Iowa for which a registration is required.

March 15, 2004
Date of signature

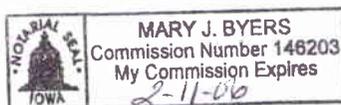
Kathy Lampe
Kathy J. Lampe

State of Iowa
County: of Johnson

Signed and sworn to (or affirmed) before me on 3-15-04
Date

By Kathy J. Lampe.

Mary J. Byers
Signature of Notary Public



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

Re:)
Pharmacy Technician Registration of)
KATHY J. LAMPE)
Registration No. 1513)

**ORDER
ACCEPTING
SURRENDER OF
PHARMACY TECHNICIAN
REGISTRATION**

COMES NOW, Katherine A. Linder, Chairperson of the Iowa Board of Pharmacy Examiners, on the 20th day of April 2004, and declares that:

1. The Respondent's Iowa pharmacy technician registration number is 1513.
2. Respondent has now decided to relinquish her Iowa pharmacy technician registration.
3. On April 20th, 2004, the Board reviewed Respondent's voluntary surrender of her pharmacy technician registration and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacy technician registration number 1513 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 36.13, said surrender shall be considered a revocation of registration with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Katherine A. Linder, Chairperson

BEFORE THE IOWA BOARD OF PHARMACY

RE:) CASE NO. 2004-01
Pharmacy Technician Registration of:) DIA NO. 07PHB032
KATHY LAMPE)
Registration No. 1513) FINDINGS OF FACT,
Respondent) CONCLUSIONS OF LAW,
) DECISION AND ORDER

TO: Kathy Lampe

On January 23, 2008, a hearing was held before the Iowa Board of Pharmacy (Board) on the Request for Reinstatement filed by Kathy Lampe (Respondent). The following members of the Board presided at the hearing: Paul Abramowitz, Chairperson; Lemar Olson; DeeAnn Wedemeyer Oleson; Vernon Benjamin; and Margaret Whitworth. Respondent appeared and was self-represented. Assistant Attorney General Scott Galenbeck represented the state. The hearing was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2007). 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.

THE RECORD

The record includes the Notice of Hearing on Request for Reinstatement of Technician Registration; testimony of the witnesses; and the following exhibits:

State Exhibit A: Investigative Report, 5/5/01
State Exhibit B: Statement of Charges, 6/12/01
State Exhibit C: Stipulation and Consent Order, 10/10/01
State Exhibit D: Statement of Charges, 4/23/03
State Exhibit E: Stipulation and Consent Order, 11/6/03
State Exhibit F: Statement of Charges, 3/1/04
State Exhibit G: Voluntary Surrender, 3/15/04
State Exhibit H: Order Accepting Surrender, 4/20/04

- Respondent Exhibit 1: Letter dated 11/8/07 (Resolutions Substance Abuse Services to Board)
- Respondent Exhibit 2: Letter dated 1/22/08 (Resolutions Substance Abuse Services to Board)

FINDINGS OF FACT

1. On November 15, 1999, the Board issued pharmacy registration number 1513 to Respondent, subject to the laws of the state of Iowa and the rules of the Board. (State Exhibit B) Respondent has a lengthy history of discipline with the Board:

a. On June 12, 2001, the Board filed a Statement of Charges against Respondent, charging her with violating the laws of the state of Iowa and the United States by illegally possessing controlled substances. Respondent completed extended outpatient substance abuse treatment. On October 10, 2001, Respondent and the Board entered into a Stipulation and Consent Order, placing her registration on probation for a period of three years, subject to terms and conditions. (State Exhibits A-C)

b. On April 23, 2003, the Board filed a second Statement of Charges against Respondent, charging her with failure to comply with the terms of the Stipulation and Consent Order by consuming alcohol. On November 6, 2003, Respondent and the Board entered into a Stipulation and Consent Order, placing her registration on probation for a period of five years, subject to terms and conditions. (State Exhibits D, E)

c. On March 1, 2004, the Board filed a third Statement of Charges against Respondent, charging her with failure to comply with the terms of the Stipulation and Consent Order and with inability to practice due to chemical abuse and addiction. On March 15, 2004, Respondent voluntarily surrendered her pharmacy technician registration. (State Exhibits F, G)

2. Respondent admits to using methamphetamine, starting in about the fall of 2000. Respondent's methamphetamine use was initially sporadic but increased to a weekly basis in 2001. Respondent was also addicted to alcohol. Respondent reports her last use of methamphetamine as two years ago, and her last

use of alcohol was more than a year ago. In April 2007, Respondent entered into Resolutions Substance Abuse Services Intensive Outpatient Substance Abuse Treatment Program. She successfully completed the program on September 14, 2007 and is currently participating in the Friday evening aftercare program. Respondent is attending Alcoholics Anonymous (AA) on a weekly basis and has obtained a sponsor. The treatment program reports that Respondent has faithfully attended individual and group sessions and has been a very cooperative and compliant patient. In the opinion of her counselor, she is ready to resume work as a pharmacy technician, so long as she continues to attend aftercare, AA, and work with a sponsor. (Testimony of Respondent; Respondent Exhibits 1, 2)

3. Respondent no longer associates with her old friends who were drug users. She has made positive lifestyle changes and is currently employed. Respondent has recently had a hip replacement surgery and was able to manage her recovery with very limited use of a closely monitored pain medication. (Testimony of Respondent; Kelly Yoder)

CONCLUSIONS OF LAW

657 Iowa Administrative Code 36.13 provides, in relevant part:

657-36.13 (17A, 124B, 147, 155A, 272C) Reinstatement. Any person whose license to practice pharmacy...has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Prerequisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms or conditions upon which reinstatement might occur, or if the license...was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date ...of voluntary surrender.

...

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license...Such application shall be docketed in the

original case in which the license, registration, or permit was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board...

36.13(4) Burden of Proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license... to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of fact and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657-Chapter 14.

Based on the testimony and evidence in this record, the Board concludes that the basis for the voluntary surrender of Respondent's pharmacy registration no longer exists and that it is in the public interest to allow her registration to be reinstated on probation, subject to appropriate terms and conditions.

DECISION AND ORDER

IT IS THEREFORE ORDERED that upon submission of a reinstatement application and payment of the reinstatement fee, Respondent's pharmacy registration no. 1513 shall be REINSTATED and immediately placed on PROBATION for a term of five (5) years. Respondent's probation is subject to the following terms and conditions:

1. For the first year of probation, Respondent shall file written, sworn monthly reports with the Board attesting to her compliance with all the terms and conditions of her probation. The reports shall be filed no later than the 5th day of each calendar month. After the first year, the reports shall be filed quarterly, no later than March 5, June 5, September 5, and December 5 of each remaining year

of Respondent's probation. The sworn written reports shall include Respondent's current place of employment, home address, home telephone number or work telephone number, and any further information deemed necessary by the Board from time to time.

2. Respondent shall completely abstain from the personal use of alcohol. Respondent shall not possess or use any controlled substances or drugs in any form unless prescribed by a duly licensed treating physician or other qualified treating health care provider. Respondent shall report to the Board within fourteen days any use of controlled substances prescribed by a physician or other qualified treating health care provider. The report shall include a copy of the prescription and the name of the pharmacy where the prescription was filled.

3. Respondent shall participate in and shall fully comply with a Board approved urine screening program through First Lab. In addition, Respondent shall immediately submit a witnessed blood or urine sample whenever requested by the Board or its designee. All costs of biological fluid testing shall be borne by the Respondent.

4. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate and shall fully comply with all IPRN requirements.

5. Respondent shall successfully complete the Resolutions Substance Abuse aftercare program and shall direct the aftercare program to send a discharge report to the Board when the program has been successfully completed. Respondent shall comply with all recommendations of the aftercare program.

6. Respondent shall attend structured recovery support group meetings each week, such as Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). Respondent shall obtain a sponsor and shall maintain documentation verifying her attendance at the required meetings. Documentation of

attendance shall be submitted to the Board with Respondent's written reports.

7. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, employment status, place of employment, home telephone number or work telephone number.

8. At the time of interview, Respondent shall notify all prospective pharmacy or pharmacy-related employers, including any pharmacist-in-charge, of the terms, conditions, and restrictions imposed on Respondent by this Reinstatement Order. 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 document and understands it.

9. 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 appearances.

10. Respondent shall obey all federal and state laws and regulations related to the practice of a pharmacy technician and the distribution of controlled substances.

11. Should Respondent violate or fail to comply with any of the terms or conditions of probation, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacy technician registration or to impose other discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC chapter 36.

Dated this 4th day of March, 2008.



Paul Abramowitz, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General

DIA No. 07PHB032

Page 7

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.