

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	Case No. 2011-43
Pharmacist License of	)	
<b>AMANDA LEIGH LATTA</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 19669	)	
Respondent.	)	

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**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 (2011).
3. On June 27, 2002, the Board issued Respondent, Amanda Leigh Latta, by examination, a license to engage in the practice of pharmacy as evidenced by license number 19669, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2013.
5. Respondent's current address is 416 Second Avenue SW, Mount Vernon, Iowa.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacists, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacist and (c) willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa.

**COUNT II – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE**

Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

COUNT III – VIOLATION OF CONTROLLED SUBSTANCE LAWS

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code § 124.401(5), 155A.12(1) and 155A.12(5), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT IV – UNLAWFUL POSSESION OF PRESCRIPTION DRUGS

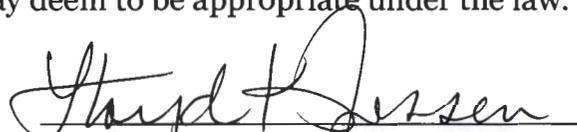
Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1) and 155A.21 (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

**B. CIRCUMSTANCES**

An investigation was commenced July 18, 2011, which revealed the following:

1. At all times material to this Statement of Charges, Respondent was employed or on leave from employment at Walgreens, Iowa City, Iowa.
2. Respondent admits to a history of alcohol and prescription medication abuse, along with diversion of hydrocodone.
3. Although Respondent entered into a contact with the Iowa Pharmacist Recovery Network, she did not follow through with her contractual responsibilities.
4. Respondent's health care providers do not recommend that she be employed where she would handle controlled substances.

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 7<sup>th</sup> day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Susan M. Frey, 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, IA 50319

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**BEFORE THE IOWA BOARD OF PHARMACY**

Re: Pharmacist License of )  
**AMANDA LEIGH LATTA** )  
License No. 19669 )  
Respondent )

Case No. 2011-43 )  
**STIPULATION** )  
**AND** )  
**CONSENT ORDER** )

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Amanda Leigh Latta (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 was issued a license to practice pharmacy in Iowa on June 27, 2002, following examination, as evidenced by Pharmacist License Number 19669, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2012.
3. Respondent was, at all times material to the Statement of Charges, either employed as a pharmacist or on leave from employment at Walgreens, Iowa City, Iowa.
4. A Statement of Charges was filed against Respondent by the Board on March 7, 2012.

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5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.
7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be suspended indefinitely. Suspension of Respondent's license may be terminated only at such time as Respondent:
  - a. Obtains a complete physical and mental health evaluation – including a substance abuse evaluation – from a physician/treatment provider approved in advance by the Board.
  - b. Delivers to the Board a *written, fully documented and current physical and mental health evaluation* -- including a substance abuse evaluation -- which concludes that Respondent is mentally and physically fit to practice pharmacy. Any conclusion that the Respondent is fit to return to *the practice of pharmacy* must include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting.
  - c. Permits the Board complete access to Respondent's medical records, including records of substance abuse evaluation and treatment.
8. At such time as Respondent is able to deliver to the Board a written, fully documented and current physical and mental health evaluation, including a substance abuse evaluation, which concludes that Respondent is mentally and

physically *fit to practice pharmacy*, Respondent may petition the Board for (a) termination of the suspension of Respondent's license and (b) commencement of a period of probation.

9. In the event the Board determines that Respondent's license suspension should be terminated, Respondent's license to practice pharmacy shall be placed on probation on terms which shall include, but not be limited to, the following:
  - a. Respondent agrees to comply with the terms of probation.
  - b. The period of probation shall be five (5) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
  - c. 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.
  - d. Respondent shall report to the Board 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.
  - e. Respondent shall notify all 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.

- f. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board, in writing, acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
- g. During the first six (6) months of employment during Probation, Respondent shall not work more than 24 hours per week. Following successful completion of six months of employment, Respondent may request permission from the Board to work additional hours per week.
- h. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
- i. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
- j. Respondent shall not possess or use alcohol or 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. Respondent shall inform any treating physician or other

treating health care provider of her medical history, including any history of chemical dependency.

- k. Respondent shall provide witnessed blood, hair or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this Stipulation and Consent Order and any drug therapy ordered by Respondent's physician or treatment provider. All costs related to the analysis of such specimens shall be paid by Respondent.
- l. To facilitate performance of the preceding paragraph, Respondent shall report to and provide a specimen to any healthcare provider specified by the Board – said healthcare provider to be located in reasonable proximity to Respondent – within 24 hours after notice from the Board requesting that Respondent provide a specimen. Respondent agrees to cooperate with the Board in establishing a specimen testing program through FirstLab, and hereby consents to disclosure to the Board, by FirstLab or any other testing facility, of all medical information, including test results, generated by Respondent's contact with the facility.
- m. Respondent shall promptly provide, upon request of an agent of the Board, copies of or access to all her medical records.
- n. If, as a result of the physical and mental health examinations of Respondent, Respondent's physician/treatment provider recommends a substance abuse treatment program, Respondent shall comply with such

recommendations. In the event Respondent is participating in a substance abuse treatment program, Respondent's physician/treatment provider shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.

- o. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- p. Such other reasonable terms as the Board may wish to impose as a result of (i) findings that Respondent is chemically dependant, (ii) the length of time Respondent's license is suspended pursuant to paragraph 8 above or (iii) the amount or nature of chemical dependency treatment Respondent must participate in as directed by her physician/treatment provider. If Respondent is found to be chemically dependent, Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate.

- 10. 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 Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC 36.
- 11. 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.

12. The State's legal counsel may present this Stipulation and Consent Order to the Board.
13. This Stipulation and Consent Order 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 the Board or Respondent. 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.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 21 day of April 2012.

Amanda Leigh Latta R.Ph.  
AMANDA LEIGH LATTA, R.Ph.  
Respondent

Subscribed and sworn to before me by Amanda Leigh Latta on this 21<sup>st</sup> day of APRIL 2012.

STATE OF: IOWA  
COUNTY OF: LINN



Sylvia A Miller  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA  
SYLVIA A. MILLER

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 27<sup>th</sup> day of April 2012.

Susan M. Frey  
SUSAN M. FREY, 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

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