

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

Re:)	Case No. 2002-7032
Pharmacy Technician Registration of:)	
NICK LYONS)	STATEMENT OF CHARGES
Registration No. 7032)	
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 December 26, 2001, the Board issued Respondent, Nick Lyons, pharmacy technician registration number 7032 to be registered as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 7032 is current and active until May 31, 2003.
5. Respondent's current address is 2002 Elmcrest Dr., Marshalltown, Iowa 50158.
6. Respondent is not currently employed as a pharmacy technician. The Respondent was employed as a pharmacy technician at Walgreens Pharmacy, 5 East Anson St., Marshalltown, Iowa 50158 during times relevant to this Statement of Charges.

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 May 6, 2002, the Board received a complaint alleging that the

Respondent had taken and consumed a bottle of 500 Lorazepam 1 mg from the pharmacy where he had been employed as a pharmacy technician.

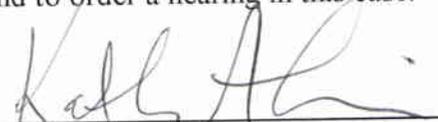
2. During the Board's investigation of the complaint referred to in Paragraph 1, the Respondent admitted that he had taken the bottle of Lorazepam.

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 6 day of August, 2002, 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: 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:)	ORDER
Pharmacist Technician Registration of)	ACCEPTING
NICK LYONS)	SURRENDER OF
Registration No. 7032)	PHARMACIST TECHNICIAN
)	REGISTRATION

COMES NOW, Katherine A. Linder, Chairperson of the Iowa Board of Pharmacy Examiners, on the 17th day of October, 2002, and declares that:

1. On August 6, 2002, the Board issued a Statement of Charges to the Respondent.

2. On August 23, 2002, Respondent executed a voluntary surrender of his pharmacy technician registration number 7032 pursuant to 657 Iowa Administrative Code § 36.15. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On October 17, 2002, the Board reviewed Respondent's voluntary surrender of his pharmacy technician registration and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacy technician registration number 7032 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

VOLUNTARY SURRENDER OF PHARMACIST TECHNICIAN REGISTRATION

I, Nick Lyons, a resident of 2002 Elmcrest Dr., Marshalltown, Iowa 50158, 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 pharmacist technician registration in the State of Iowa, number 7032, 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, Nick Lyons, being affixed to this voluntary surrender document.

I, Nick Lyons, 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 pharmacist technician pursuant to Chapter 155A, Code of Iowa (2001).
- (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, Nick Lyons, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a pharmacist technician registration which has been voluntarily surrendered shall be considered a revocation of registration with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 36.13, which provides as follows:

Any person whose license to practice pharmacy . . . has been revoked . . . 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 657-9.14 (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, Nick Lyons, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of a pharmacist technician in the State of Iowa for which a registration is required.

8/23/2
Date of Signature

Nick Lyons
Nick Lyons

State of Iowa :
:SS
MARSHAL County :

Subscribed and sworn to me by Nick Lyons on this 23rd day of August, 2002.

James L. Goodman
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

