

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Pharmacy Technician Registration of)	Case No. 2009-86
SHANNON D. McENANY,)	
Registration No. 11848,)	STATEMENT OF CHARGES
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 (2009).
3. On June 4, 2008, the Board reinstated the pharmacy technician registration of Shannon D. McEnany (hereinafter, Respondent), registering her as a pharmacy technician number 11848, subject to the laws of the State of Iowa, the rules of the Board and the terms of the Reinstatement Order.
4. Respondent's technician registration is current and active until October 31, 2009
5. Respondent's current address is 1028 12th Avenue Southeast, Altoona, Iowa 50009.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged pursuant to Iowa Code §§ 155A.6(7) and 155A.21 (2009), and 657 Iowa Administrative Code § 36.1(4)(h) with unlawful possession, distribution, and use of prescription drugs.

COUNT II – VIOLATING LAWS RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2009) and 657 Iowa Administrative Code § 36.1(4)(j) with violating state laws related to the practice of pharmacy; specifically, laws relating to possession and distribution of controlled substances found at Iowa Code § 124.403.

COUNT III – UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES

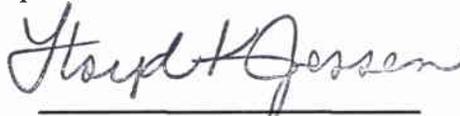
Respondent is charged pursuant to Iowa Code § 155A.6(7) and 124.403 (2009), and 657 Iowa Administrative Code § 36.1(4)(j) with unlawful possession and use of controlled substances.

B. FACTUAL CIRCUMSTANCES

An investigation, commenced July 12, 2009, revealed the following:

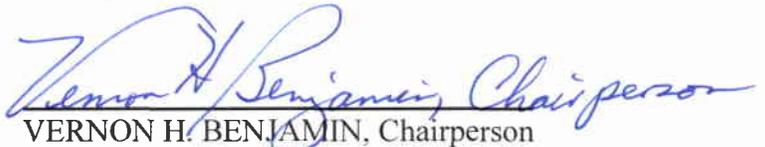
1. At all times material to this statement of charges, Respondent was employed as a certified pharmacy technician at Walgreens Pharmacy, 901 North Ankeny Blvd, Ankeny, Iowa 50023.
2. A Walgreens pharmacist noted a shortage of Lortab 10/500mg. A DEA Form 106 was filed representing that 900 tablets were missing from the pharmacy.
3. Respondent has signed a written statement admitting to the diversion, and has entered drug abuse treatment.
4. On September 15, 2009, Respondent pleaded guilty to a felony, obtaining a controlled substance by fraud.

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 18th day of November 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON H. BENJAMIN, 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, Iowa 50319

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2009-86
Pharmacy Technician Registration of)	
SHANNON D. McENANY,)	STIPULATION
Registration No. 11848)	AND
Respondent)	CONSENT ORDER
)	

Pursuant to Iowa Code ' ' 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy Examiners (hereinafter, ABoard@) and Shannon D. McEnany (hereinafter, ARespondent@) enter into the following Stipulation and Consent Order settling a 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's Iowa pharmacy technician registration expired on October 31, 2009 and has not been renewed.
2. Respondent was, at all times material to the Statement of Charges, employed as a pharmacy technician at Walgreens Pharmacy, 901 North Ankeny, Iowa 50023.
3. A Statement of Charges was filed against Respondent by the Board on November 18, 2009.
4. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
5. 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.
6. On the date of the Board's approval of this Stipulation and Consent Order,

Respondent's pharmacy technician registration shall be suspended indefinitely.

Suspension of Respondent's technician registration 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 – of Respondent which concludes that Respondent is mentally and physically fit to perform the duties of a pharmacy technician. Any conclusion that the Respondent is fit to return to *practice as a pharmacy technician* will 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.

7. 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 as a pharmacy technician*, Respondent may petition the Board for (a) termination of the suspension of Respondent's registration and (b) commencement of a period of probation.

8. In the event the Board determines that Respondent's registration suspension should be terminated, Respondent's pharmacy technician registration 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 pharmacy technician shall count toward exhaustion of the probationary term.
- c. During probation, 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. During probation, 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 present 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 thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacy technician, 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. Respondent shall obey all federal and state laws, rules, and regulations

related to the practice of pharmacy.

h. 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. Respondent shall inform any treating physician or other treating health care provider of her medical history, including her history of chemical dependency.

i. 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.

j. 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.

k. Respondent shall provide, upon request of an agent of the Board, copies of or access to all her medical records.

contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

11. The State's legal counsel may present this Stipulation and Consent Order to the Board.

12. 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.

13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 18 day of August, 2010.

Shannon McEnany
SHANNON McENANY,
Pharmacy Technician
Respondent

Subscribed and sworn to before me by Shannon McEnany on this 18 day of August, 2010.



Jenifer R. Beard
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 28 day of September, 2010.

Vernon H. Benjamin, Chairperson
VERNON H. BENJAMIN, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
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