

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2014-13
Certified Pharmacist Technician)	
Registration of)	
)	
CHOUA MOUA,)	COMBINED STATEMENT OF
Registration No. 18917,)	CHARGES, SETTLEMENT
Respondent.)	AGREEMENT, AND FINAL ORDER

COMES NOW the Iowa Board of Pharmacy (“Board”) and Choua Moua (“Respondent”), and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2013).

1. Respondent holds Iowa certified pharmacist technician registration number 18917, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

STATEMENT OF CHARGES

Count I

3. Respondent is charged with engaging in unethical behavior, in violation of 657 Iowa Administrative Code rule 3.28(4), pursuant to Iowa Code section 155A.6A(5) and 657 Iowa Administrative Code rules 3.30(1), 36.1(4)(c), and 36.1(4)(u).

Count II

4. Respondent is charged with possession of a prescription drug—including controlled substances—in violation of Iowa Code sections 124.403(3) and 155A.6A(5) and 657 Iowa Administrative Code rule 36.1(4)(j).

FACTUAL CIRCUMSTANCES

5. Respondent holds Iowa certified pharmacist technician registration number 18917, which is currently active.
6. Respondent worked as a pharmacy technician at Walgreens in Des Moines.
7. Following an investigation by Walgreens, Ms. Moua admitted to diverting over 700 tablets of hydrocodone for personal use. The diversion occurred almost every shift. Respondent further admitted to diverting oxycodone, pseudophedrine, and lithium.

8. Respondent was terminated from Walgreens. She was charged with 2nd Degree Theft and Controlled Substance Violations.

9. Police discovered a return to stock prescription bottle of lithium ER 300mg in Respondent's purse.

10. Respondent pled guilty to the criminal charges. She received a deferred judgment on the theft charge with two years probation.

SETTLEMENT AGREEMENT AND FINAL ORDER

11. Execution of this Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.

12. Respondent is freely and voluntarily entering into this Agreement. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

13. Respondent agrees to **VOLUNTARILY SURRENDER** her Iowa certified pharmacist technician registration to resolve this matter.

14. Respondent shall surrender her Iowa certified pharmacist technician registration to the Board within ten (10) days of the Board's approval of this Agreement.

15. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of Board approval of this Settlement Agreement. Reinstatement requests are governed by 657 Iowa Administrative Code rule 36.13.

16. Prior to seeking reinstatement, Respondent must be found safe to practice pharmacy by a mental health evaluator, including a substance abuse evaluation which concludes that Respondent is safe to practice as a certified pharmacist technician. Respondent shall cause the records from the evaluation to be provided to the Board in conjunction with any request for reinstatement. The Board shall not schedule a reinstatement hearing until the Board has received the appropriate mental health and substance abuse evaluation records.

17. Respondent agrees not to perform any activities that would require an Iowa certified pharmacist technician registration until such time as her license is reinstated.

18. This Agreement shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

19. Should Respondent violate the terms of this Agreement, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

20. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

21. This Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

22. This Agreement shall not be binding as to any new complaints received by the Board.

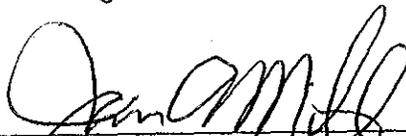
23. The Board's approval of this Agreement shall constitute a FINAL ORDER of the Board.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 14 day of August, 2014.



CHOUA MOUA
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 26th day of August, 2014.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
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