

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

Re:

Pharmacy Technician Registration of:)	Case No. 2002-1887
BARBARA J. PEMBER)	
Registration No. 1887)	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 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 January 4, 2002, the Board re-issued Respondent, Barbara J. Pember, pharmacy technician registration number 1887 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 1887 is current and active until January 31, 2002.
5. Respondent's current address is 1540 Main Street, Rock Valley, Iowa 51247.
6. Respondent is currently retired from her position as a pharmacy technician at Pembers Drug, 1415 Main Street, Rock Valley, Iowa. She occasionally fills in as a technician at Pembers Drug when an employee has to be out.

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 in violation of Iowa Code sections 124.401(5), 124.403(c), 124.210, and 155A.23.

THE CIRCUMSTANCES

1. On or about December 1, 2001, the Board received a complaint alleging that the Respondent had taken phenobarbital, a schedule IV controlled substance, from the

pharmacy where she works as a technician for her own use.

2. During the Board's investigation of the allegation's referred to in paragraph 1, above, the Respondent admitted that she had taken phenobarbital for her own use.

3. Although the Respondent had had prescriptions for phenobarbital in the past, she admitted that she had taken phenobarbital from the pharmacy at a time when she did not have a prescription for the drug.

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 19 day of Feb., 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: 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: Technician Registration of
BARBARA J. PEMBER
Registration No. 1887
Respondent

**STIPULATION
AND
CONSENT ORDER**

On this 29 day of July, 2003, the Iowa Board of Pharmacy Examiners and Barbara J. Pember, of 1540 Main Street, Rock Valley, Iowa, each hereby agree with the other and stipulate as follows:

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 February 19, 2003, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was first issued a pharmacy technician registration in Iowa in 1998, as evidenced by Pharmacy Technician Registration Number 1887, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy Technician Registration Number 1887 issued to Respondent is active and current until January 31, 2004.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on February 19, 2003.

SECTION I

Respondent's pharmacy technician registration number 1887 shall be placed on probation for three (3) years with the following terms and conditions, beginning on the date this Order is accepted by the Board:

1. 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 Respondent by a licensed, treating physician or other qualified treating health care provider. Additionally, Respondent shall not possess any controlled substance, except medications prescribed in accordance with the preceding paragraph.

2. During probation, 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.

3. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

4. 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 document. 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 to report to the Board in writing acknowledging that the employer has read this document and understands it.

SECTION II

1. Should Respondent leave Iowa to reside or practice in another state, she shall notify the Board in writing fourteen (14) days prior to her departure and within fourteen (14) days of her return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period without prior request to and approval by the Board.

2. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or petition to revoke probation is filed against Respondent during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

3. Upon successful completion of probation, Respondent's certificate will be fully restored.

4. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed 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.

5. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 10 day of July, 2003.

Barbara J. Pember
BARBARA J. PEMBER, Pharmacy Technician
Respondent

Subscribed and Sworn to before me on this 10th day of July, 2003.



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

6. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 29 day of July, 2003.

Kay Bolton, for
KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
RiverPoint Business Park
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309-4688