

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-66
Pharmacy Technician Registration of)	
CAROLYN PETTIT)	STATEMENT OF CHARGES
Registration No. 9438,)	
Respondent)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director of the Iowa Board of Pharmacy (hereinafter, 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 147, 155A and 272C (2009).
3. The Board issued Carolyn Pettit (hereinafter “Respondent,” pharmacy technician registration number 9438, registering her as a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board. Respondent’s registration was last renewed on September 4, 2008.
4. Respondent’s registration expired June 30, 2010.
5. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Hy-Vee Pharmacy, 3600 Business Highway 151, Marion, Iowa 52302.

A. CHARGES

COUNT I – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2009), and 657 Iowa Administrative Code § 36.1(4)(m) with the inability to practice as a pharmacy technician, with reasonable skill and safety, due to chemical abuse.

COUNT II – UNLAWFUL POSSESSION AND DISTRIBUTION OF DRUGS

Respondent is charged pursuant to Iowa Code §§ 126.308 and 155A.6A(5) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j), with possession and distribution of prescription drugs, including controlled substances, for other than lawful purposes.

COUNT III – VIOLATING LAWS RELATED TO PHARMACY

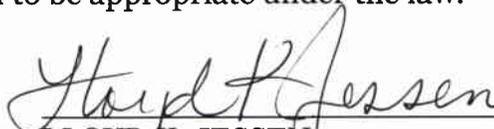
Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2009) and 657 Iowa Administrative Code § 36.1(4)(j) with violating state laws related to the practice of pharmacy; specifically, laws relating to possession and distribution of controlled substances found at Iowa Code § 124.403.

B. CIRCUMSTANCES

On or about June 14, 2010, an investigation was commenced which revealed the following:

1. At all material times, Respondent was employed as a technician at Hy-Vee Pharmacy, 3600 Business Highway 151, Marion, Iowa 52302.
2. Hy-Vee employees noticed shortages of Hydrocodone, a controlled substance.
3. After being confronted by Hy-Vee management, Respondent admitted theft of 4 to 5 tablets of hydrocondone per week, from January 2010 through June 2010.

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 8th day of March 2010, 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

VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

I, Carolyn Pettit, a resident of Scott County, Iowa, 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 State of Iowa pharmacy technician registration, number 9438, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of registration shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, Carolyn Pettit, 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, 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 on the matter of my continued registration as a pharmacy technician pursuant to Iowa Code Chapter 155A (2011).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- (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, Carolyn Pettit, do hereby acknowledge that pursuant to 657 Iowa Administrative Code § 36.25, a pharmacy technician registration which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code § 36.23, which provides as follows:

Any person ... whose pharmacy technician registration ... has been revoked or suspended 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 657-9.24 (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, Carolyn Pettit, hereby further agree that I shall not engage in any of the practices of a pharmacy technician in the State of Iowa for which a registration is required.

4/12/11
~~4/12/11~~
Carolyn Pettit
Date of Signature

Carolyn Pettit
Carolyn Pettit

State of Iowa
County of Scott

Signed and sworn to (or affirmed) before me on April 12th, 2011
by Carolyn Pettit. (Date)

[Signature]
Signature of Notary Public



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

Re:)	ORDER
Pharmacy Technician Registration)	ACCEPTING
CAROLYN PETTIT)	SURRENDER OF
Registration No. 9438)	PHARMACY TECHNICIAN
)	REGISTRATION

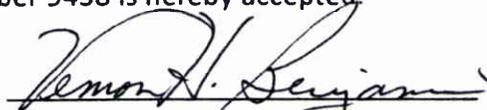
COMES NOW, Vernon H. Benjamin, Chairperson of the Iowa Board of Pharmacy, on the 27 day of April, 2011, and declares that:

1. On April 12, 2011, Respondent executed a voluntary surrender of her pharmacy technician registration number 9438.

2. On April 27, 2011, the Board reviewed Respondent's voluntary surrender of her pharmacy technician registration and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacy technician registration number 9438 is hereby accepted.


VERNON H. BENJAMIN, Chairperson