

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-117
Pharmacy Technician Registration of)	
EMMA LOU PHILLIPS)	STATEMENT OF CHARGES
Registration No. 14262,)	
Respondent)	

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

1. He is the Executive Director of the Iowa Board of Pharmacy 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 (2011).
3. The Board issued Emma Lou Phillips (hereinafter, "Respondent") pharmacy technician registration number 14262, 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 June 10, 2010, and will expire on July 31, 2012
4. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at the Wal-Mart Pharmacy, Osceola, Iowa.

A. CHARGES

COUNT I – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2011), 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 OF DRUGS

Respondent is charged pursuant to Iowa Code §§ 124.403, 155A.6A(5) and 155A.21 (2011), and 657 Iowa Administrative Code § 36.1(4)(h), 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) (2011) 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 and 155A.21 (2011).

B. CIRCUMSTANCES

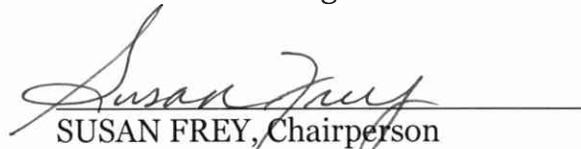
An investigation was commenced on September 29, 2010, which revealed the following:

1. At all times material, Respondent was employed as a certified pharmacy technician at Wal-Mart Pharmacy, Osceola, Iowa.
2. The Wal-Mart pharmacist in charge noticed shortages of hydrocodone/APAP in two different dosage forms. The shortages were:
 - a. 227 tablets of hydrocodone/APAP 5/500mg
 - b. 117 tablets of hydrocodone/APAP 10/500mg
3. A videotape taken in the pharmacy showed Respondent cupping hydrocodone tablets in her hand, putting the tablets in her mouth, then drinking water.
4. Respondent's employer reported that on several occasions, Respondent had appeared at work with glassy eyes, slurred speech and a shuffling gait.

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 10 day of November 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN FREY, 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

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

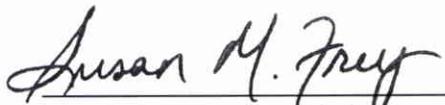
Re:)	ORDER
Pharmacy Technician Registration)	ACCEPTING
EMME LOU PHILLIPS)	SURRENDER OF
Registration No. 14262)	PHARMACY TECHNICIAN
)	REGISTRATION

COMES NOW, Susan M. Frey, Chairperson of the Iowa Board of Pharmacy, on the 18th day of January, 2012, and declares that:

1. On January 18, 2012, Respondent executed a voluntary surrender of her pharmacy technician registration number 14262.
2. On January 18, 2012, 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 14262 is hereby accepted.



SUSAN M. FREY, Chairperson

VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

1729 TRUMAN RD

I, Emma Lou Phillips, a resident of 314 S. Adams, Osceola, Iowa 50213, 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 pharmacy technician registration in the State of Iowa, number 14262, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of registration shall become effective upon the notarized signature of the registrant, Emma Lou Phillips, being affixed to this voluntary surrender document.

I, Emma Lou Phillips, 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 Chapter 155A, Code of Iowa (2007).
- (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, Emma Lou Phillips, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 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 section 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, Emma Lou Phillips, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of a pharmacy technician in the State of Iowa for which a registration is required.

Jan 18 2011
Date of signature

Emma Phillips
Emma Lou Phillips

State of Iowa
County: of Polk

Signed and sworn to (or affirmed) before me on Jan 18, 2012
Date

By Emma Lou Phillips.

Duane S. Jorgensen
Signature of Notary Public

May 24, 2014

