

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-109
Pharmacy Technician Registration of)	
	)	NOTICE OF HEARING AND
BRADY ROLFES	)	STATEMENT OF CHARGES
Registration No. 18729)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Brady Rolfes (“Respondent”), 57 Westside Drive, Iowa City, Iowa 52246, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2013). Respondent’s Iowa pharmacy technician registration number 18729 is currently active and expires on June 30, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 6, 2015, before the Board. The hearing shall be held during the morning session, beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General’s Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C and under 657 IAC 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

Count I

ENGAGING IN UNETHICAL BEHAVIOR—THEFT

Respondent is charged with engaging in unethical behavior—thrift in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)“c”, and “u”.

Count II

UNLAWFUL POSSESSION OF A PRESCRIPTION DRUG

Respondent is charged with unlawful possession of a prescription drug in violation of Iowa Code section 155A.21(1), pursuant to Iowa Code sections 147.55(8), (9), and 155A.6A(5), and 657 IAC 3.30, 36.1(4)“j”, and “u”.

Count III

UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE

Respondent is charged with unlawful possession of a controlled substance in violation of Iowa Code section 124.401(5), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)“j”, and “u”.

D. FACTUAL CIRCUMSTANCES

1. At all relevant times, Respondent was employed as a pharmacy technician at Walgreens in Iowa City, Iowa.
2. In June, 2014, Respondent was seen on video taking hydrocodone from the pharmacy.

3. In June, 2014, Respondent admitted to taking drugs from the pharmacy since the summer of 2013. Respondent admitted to taking the following drugs from the pharmacy: tramadol, hydrocodone, alprazolam, Lyrica, gabapentin, Fiorinal with codeine, modafinil, and phentermine.

4. In June, 2014, Respondent was arrested and charged criminally in Johnson county with theft—5th degree, possession of controlled substances, and unlawful possession of prescription drugs. The following drugs were on Respondent's person when he was arrested: tramadol, Fioricet, Ultracet, clonazepam, and Midrin.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this the 19th day of November, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

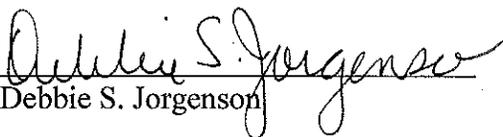
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 917199999170310675712 | <input type="checkbox"/> other _____ |

on the 19th day of November, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-109
Pharmacy Technician Registration of)	
	)	STATE'S MOTION TO CONTINUE
BRADY ROLFES)	
License No. 18729)	
Respondent.)	

COMES NOW the State of Iowa, by and through the undersigned, and for its Motion to Continue, respectfully states the following:

1. The Board issued a Notice of Hearing and Statement of Charges in the above-captioned matter on November 19, 2014.
2. Hearing in the above-captioned matter is scheduled for January 6, 2015.
3. The Notice of Hearing and Statement of Charges was served on Respondent through certified mail, which was signed for by Respondent on December 8, 2014.
4. 657 IAC 36.5(5) requires that a notice of hearing involving revocation or suspension of a registration shall be served no less than 30 days before the time set for the hearing.
5. To satisfy the 30 day notice requirement, the notice of hearing must have been served on Respondent no later than December 7, 2014.
6. The State does not believe the hearing should proceed as scheduled because notice was not provided in accordance with 657 IAC 36.5(5).

WHEREFORE, the State respectfully requests that the hearing in this matter be continued pending further order of the Board.

Respectfully submitted,
THOMAS J. MILLER
Attorney General of Iowa

IOWA BOARD OF PHARMACY
RECEIVED
DEC 19 2014

Laura Steffensmeier

LAURA STEFFENSMEIER
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Bldg., 2nd Floor
Des Moines, Iowa 50319-0108
Tele: (515) 281-6690
FAX: (515) 281-4209
E-mail: laura.steffensmeier@iowa.gov
ATTORNEY FOR THE STATE

ORIGINAL FILED

cc: Brady Rolfes
1745 E. Holiday St.
Springfield, MO 65804

Proof of Service

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on the 18th day of December, 2014.

<input checked="" type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input type="checkbox"/> Electronically	

Signature: _____

R. Dale

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

IN THE MATTER OF:	)	CASE NO. 2014-109
)	
BRADY ROLFES	)	ORDER GRANTING MOTION
	)	FOR CONTINUANCE
RESPONDENT.)	

On December 19, 2014, the State, by and through Assistant Attorney General Laura Steffensmeier, filed a motion for Continuance of the Hearing on the Statement of Charges filed against the Respondent, Brady Rolfes. The State has provided sufficient justification for its motion for continuance.

IT IS HEREBY ORDERED that the hearing on the Statement of Charges filed against the respondent is hereby continued until March 10, 2015, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m., and shall be held in a conference room located at 400 S.W. Eighth Street, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

At hearing, you may appear personally and be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of all pleadings filed with the Board should be provided to counsel for the State at the following address:

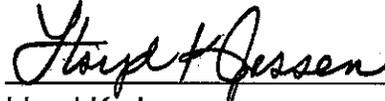
Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6690

If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are

interested in pursuing settlement of this matter, please contact Laura Steffensmeier, Assistant Attorney General, at the above telephone number.

Dated this 22nd day of December 22, 2014.



Lloyd K. Jesser
Executive Director

Copies to:

Laura Steffensmeier
Assistant Attorney General
Iowa Assistant Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319

Brady Rolfes
1745 E Holiday St.
Springfield, MO 65804

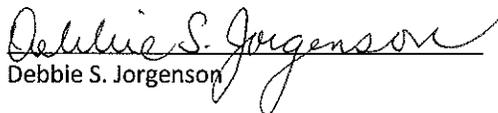
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|--|
| <input type="checkbox"/> personal service | <input checked="" type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703106755835</u> | <input type="checkbox"/> other _____ |

on the 22nd day of December, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.



Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-109
Pharmacy Technician Registration of)	
BRADY ROLFES	)	SETTLEMENT AGREEMENT AND
License No. 18729	)	FINAL ORDER
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Brady Rolfes ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The 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 holds Iowa Pharmacy Technician Registration No. 18729, which is currently active and expires on June 30, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on November 19, 2014.
4. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Execution of this 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 Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.
8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of the permanent record of Respondent 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.
11. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.
12. This Order, 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.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

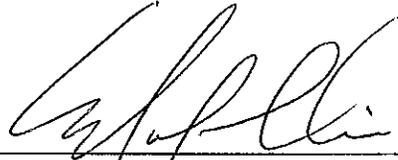
14. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacy technician registration to resolve this matter.
15. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.
16. Respondent may request reinstatement of his Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of his registration no longer exists, and that it is in the public interest for the registration to be reinstated.
17. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless his registration is reinstated.
18. Respondent shall immediately surrender his pharmacy technician registration to the Board.
19. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the ___ day of _____, 2015.



BRADY ROLFES
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 10th day of March, 2015.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319