

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

Re:	)	Case No. 2002-3917
Pharmacy Technician Registration of:)	
CHERYL K. ROUSSEAU	)	STATEMENT OF CHARGES
Registration No. 3917)	
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 November 1, 2000, the Board issued Respondent, Cheryl K. Rousseau, pharmacy technician registration number 3917 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 3917 is current and active until November 1, 2002.
5. Respondent's current address is 1062 45th Street, Des Moines, Iowa 50311.
6. Respondent is currently employed as a pharmacy technician at Walgreens Pharmacy, 2843 Ingersoll Avenue, Des Moines, Iowa 50312. Respondent was previously employed as a pharmacy technician at Osco Drug #5033, 4415 Douglas Avenue, Des Moines, Iowa 50310.

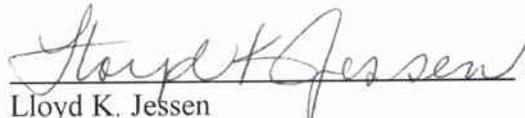
COUNT I

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 by delivering controlled substances, conspiring to deliver controlled substances, possessing controlled substances with the intent to deliver, and possessing drug paraphernalia all in violation of Iowa Code §§ 124.401, 124.403, 124.204 & 155A.23.

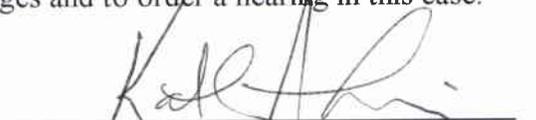
THE CIRCUMSTANCES

1. The Respondent was criminally charged with (1) conspiracy to deliver a schedule I controlled substance (marijuana), (2) possession with intent to deliver a schedule I controlled substance (marijuana), (3) drug tax stamp violation, and (4) possession of drug paraphernalia.
2. A West Suburban Neighborhood Vice/Narcotics Task Force search of the Respondent's home revealed drugs and drug paraphernalia in the Respondent's home.
3. In addition to the common areas of the home, the search of the Respondent's home revealed drug residue, items appearing to be drugs, and drug paraphernalia in the Respondents' own bedroom.
4. During the police investigation of the above-referenced charges, the Respondent admitted to having delivered marijuana and collecting money for her son, an apparent drug dealer.

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 18 day of June, 2002, 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. "KAP" 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:	)	Case No.2002-3917
Pharmacy Technician Registration of)	
CHERYL K. ROUSSEAU	)	STIPULATION
Registration No. 3917	)	AND
Respondent	)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Cheryl K. Rousseau, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

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 June 18, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a pharmacy technician registration on November 1, 2000, as evidenced by Pharmacy Technician Registration Number 3917, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy Technician Registration Number 3917, issued to and held by Respondent is active and current until November 30, 2002.
3. Respondent is currently employed as a pharmacy technician at Walgreens

Pharmacy, 2843 Ingersoll Avenue, Des Moines, Iowa 50312.

4. A Statement of Charges was filed against the Respondent on June 18, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. The Respondent's technician registration is suspended for a period of six months, however, the suspension will be stayed and the Respondent's technician registration will be placed on probation for a period of five (5) years beginning on the date the Board approves this Stipulation and Consent Order, with the following conditions:
 - a. The Respondent shall not consume alcohol.
 - b. The 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 the Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of her medical history, including her history of chemical dependency.
 - c. The Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify the Respondent's compliance with any drug therapy ordered by the Respondent's physician, all costs of which

shall be paid by the Respondent.

- d. The Respondent shall comply with all treatment recommendations of her treatment program and her physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. The Respondent shall file written, sworn quarterly reports with the Board attesting her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5, and December 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.
- f. The Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by the Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 7(e) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.
- g. The Respondent shall make personal appearance before the Board or a

Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.

- h. The Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate.
 - i. During probation, the 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.
 - j. The Respondent agrees to release all her medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and the Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of the Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for three years from the date of the Board's approval of this Stipulation and Consent Order.
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to prescription drugs, controlled substances, or nonprescription drugs; with Iowa Code Chapters 124, 124A, 124B, 126, 147, and

205; and shall comply with the Board's rules.

9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacy technician registration or to impose other registrant discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
11. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this 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.
12. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this 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.
13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 22 day of November, 2002.


Cheryl K. Rousseau
Respondent

Subscribed and sworn to before me by Cheryl K. Rousseau on this 22 day of November, 2002.

1-11-02

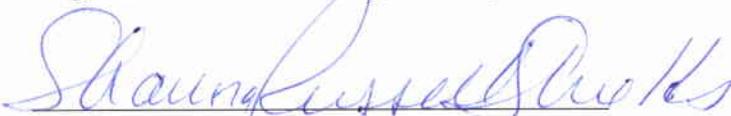

NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 4 day of Dec., 2002.


KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

APPROVED AS TO FORM:


Roger P. Owens – Attorney for Respondent


Shauna Russell Shields – Attorney for State

cc: Roger P. Owens
Hedberg, Owens, & Hedberg, P.C.
840 Fifth Avenue
Des Moines, Iowa 50309-1398

ATTORNEY FOR RESPONDENT

Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

ATTORNEY FOR STATE

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

Re:	)	Case No. 2003-3917
Pharmacy Technician Registration of:)	
CHERYL ROUSSEAU	)	STATEMENT OF CHARGES
Registration No. 3917)	
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 (2003).
3. In 1998, the Board issued Respondent pharmacy technician registration number 3917, registering her as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board. Her registration was renewed on December 9, 2002.
4. Respondent's technician registration is current and active until November 30, 2004.
5. Respondent's current address is 1062 45th Street, Des Moines, Iowa 50311.
6. Respondent was employed as a pharmacy technician at Walgreen Pharmacy, located at 2843 Ingersoll Avenue, Des Moines, Iowa 50312, all times material to this statement of charges.

A. CHARGES

COUNT I – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2003), and 657 Iowa Administrative Code § 36.1(4)(m) with the inability to practice as a pharmacy technician, with reasonable skill and safety, by reason of chemical abuse.

COUNT II – HABITUAL ADDICTION TO USE OF DRUGS

Respondent is charged pursuant to Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code § 36.1(4)(d) with habitual addiction to the use of drugs.

COUNT III – FAILURE TO COMPLY WITH BOARD ORDER

Respondent is charged pursuant to Iowa Code § 272C.3(2)(a) (2003) with a failure to comply with the terms of a Stipulation and Consent Order Respondent executed with the Iowa Board of Pharmacy Examiners on November 22, 2002 which prohibited Respondent from consuming alcohol for a five year period beginning on the date of the order.

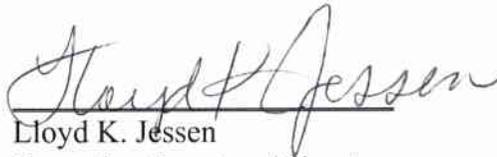
B. FACTUAL CIRCUMSTANCES

1. Respondent entered into a Stipulation and Consent Order (hereinafter, “Order”) with the Iowa Board of Pharmacy Examiners (hereinafter, “Board”) on November 22, 2002. A provision in the Order provided that Respondent’s license would be retained on a probationary basis through December 4, 2007. One of the conditions of Respondent’s probation was that she not use any controlled substance except as prescribed.
2. Section 7 of the Order provided as follows:

“The Respondent’s technician registration is suspended for a period of six months, however, the suspension will be stayed and the Respondent’s technician registration will be placed on probation for a period of five (5) years beginning on the date the Board approves this Stipulation and Consent Order, with the following conditions:

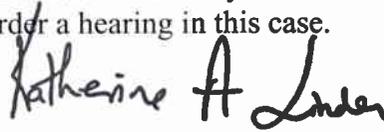
 - a. The Respondent shall not consume alcohol.
 - b. The Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for the Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of her medical history, including her history of chemical dependency.
 - c. . . .”
3. Respondent provided a urine sample on April 22, 2003 which tested positive for a controlled substance, benzodiazepine.

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 29 day of July 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: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RE:	)	CASE NO. 2003-3917
Pharmacy Technician Registration of:	)	DIA NO: 03PHB030
Cheryl K. Rousseau	)	FINDINGS OF FACT,
Registration No. 3917	)	CONCLUSIONS OF LAW,
Respondent	)	DECISION AND ORDER

TO: Cheryl K. Rousseau

On July 29, 2003, the Iowa Board of Pharmacy Examiners (Board) found probable cause to file a Statement of Charges against Cheryl K. Rousseau (Respondent), a registered pharmacy technician. The Statement of Charges alleged three counts of violations of state and federal statutes and board rules:

Count I: Inability to practice as a pharmacy technician with reasonable skill and safety, by reason of chemical abuse, in violation of Iowa Code section 155A.6(7)(2003) and 657 IAC 36.1(4)(m);

Count II: Habitual addiction to the use of drugs, in violation of Iowa Code section 155A.6(7)(2003) and 657 IAC 36.1(4)(d);

Count III: Failure to comply with the terms of a Stipulation and Consent Order executed with the Board on November 22, 2002, in violation of Iowa Code section 272C.3(2)(a)(2003).

The hearing was held on December 14, 2004 at 2:30 p.m. The following members of the Board presided at the hearing: Michael J. Seifert, Chairperson; Katherine A. Linder; Paul Abramowitz; Lemar Olson; Vernon Benjamin; Barbara Ellen O'Roake; and Kathleen Halloran. The Respondent appeared for the hearing and was represented by attorney Pam Vandell. Scott Galenbeck, Assistant Attorney General, represented the state. The hearing was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was closed to the public at the Respondent's request, pursuant to Iowa Code section 272C.6(1)(2003).

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The administrative law judge was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the Statement of Charges, Notices of Hearing, testimony of the witnesses, State Exhibits 1-5, and Respondent Exhibit A.

FINDINGS OF FACT

1. In 1998, the Board issued Respondent pharmacy technician registration number 3917, subject to the laws of the state of Iowa and the rules of the Board. Pharmacy technician registration number 3917 is current and active.

At all times relevant to this proceeding, the Respondent has been employed as a pharmacy technician at Walgreen Pharmacy, 2843 Ingersoll Avenue, Des Moines, Iowa. (State Exhibit 1; Testimony of Respondent)

2. On April 6, 2002, the Respondent's home was searched by the West Des Moines Police Department and a number of items were seized, including marijuana, drug paraphernalia, and scales. Some of the seized items, including a safe containing loose marijuana leaves and seeds, a prescription pad from Osco Drug, and two unmarked prescription pill bottles containing Alprazolam, were found in the Respondent's bedroom. Criminal charges were filed against the Respondent, her son, her daughter, and a family friend who was staying at the home. The West Des Moines Police sent a copy of their police report to the Board. (State Exhibit 5)

3. The Board's investigator interviewed the Respondent on May 30, 2002. The Respondent told the Board's investigator that all of the seized items belonged to her son, and that she was only charged because she was the head of the household. The Respondent's statements to the investigator were inconsistent with her statements and admissions during her police interview. The Respondent also told the Board's investigator that she used crack/cocaine ten years earlier but had turned her life around. She volunteered to give a urine sample at any time. (Testimony of Dennis Dobesh; State Exhibits 4, 5)

4. On September 4, 2002, the Respondent appeared with counsel in Polk County District Court and pled guilty to possession of a controlled substance, marijuana. In connection with her guilty plea, the Respondent admitted that on April 16, 2002, she possessed marijuana in her home for her personal use. The Respondent received a deferred judgment, was placed on probation for a period of one year, and was ordered to participate in substance abuse evaluation and treatment. In her treatment program, the Respondent reported being abstinent since February 2002. (Testimony of Dennis Dobesh; State Exhibits 6, 7)

5. The Board filed a Statement of Charges against the Respondent on June 18, 2002. On December 4, 2002, the Respondent and the Board entered into a Stipulation and Consent Order (hereinafter, "Order") in settlement of the pending Statement of Charges. The Order provided that the Respondent's pharmacy technician registration would be suspended for a period of six (6) months, but that the suspension would be stayed and the pharmacy technician registration would be placed on probation for a period of five (5) years, subject to a number of conditions related to substance addiction. The Respondent was prohibited from using any controlled substances except as prescribed by a licensed treating physician or other qualified treating health care provider. The Respondent also agreed to provide witnessed blood or urine specimens on demand by an agent of the Board. (Testimony of Debra Ringgenberg; State Exhibit 3)

6. On April 22, 2003, Board investigator Debra Ringgenberg went to the Respondent's place of employment and obtained a witnessed urine specimen from her. The investigator split the specimen into two containers and prepared chain of custody documents. The investigator and the Respondent signed the receipt for the specimen, and the containers were sealed in the Respondent's presence. The investigator immediately took the specimens to the laboratory at Iowa Methodist Medical Center (IMMC), and the laboratory employee signed off on the chain of custody receipt. (Testimony of Debra Ringgenberg)

On April 23, 2003, the IMMC Clinical Laboratory issued a report indicating that the Respondent's urine sample tested positive for benzodiazepine(s). The report did not quantify the amount of benzodiazepine that was present in the Respondent's urine. The report also did not identify the confirmation test level for benzodiazepines, although some laboratories provide this information on their reports. The Respondent's urine sample was

also "suspicious" for nicotine and metabolite. (Testimony of Debra Ringgenberg; State Exhibit 2; Respondent Exhibit A)

7. The Respondent denies that she ingested benzodiazepines in violation of the terms of her probation. She is active in her aftercare program and is a facilitator for a recovery group at Powell. She denies any relapse in her recovery. The Respondent admits that she possessed benzodiazepines when her home was searched in 2002, but stated that she had a prescription for at least some of the pills because of a dental surgery. The Respondent contends that the positive test result was either a laboratory error or the result of her absorption of pill residue while performing her duties as a pharmacy technician at Walgreen Pharmacy. (Testimony of Respondent; Jennifer Moulton)

8. All of Walgreen's employees are subject to pre-employment drug screening and random drug screening. The Respondent has had only the initial pre-employment drug screening, which was negative. (Respondent Exhibit A) The Respondent's supervisors and co-workers have not observed any indications that she is currently using drugs or alcohol. The Respondent has perfect attendance at work, is accurate, and has an excellent rapport with customers. There have been no complaints about her job performance.

The Walgreen Pharmacy on Ingersoll Avenue fills an average of 320 prescriptions each day and is staffed by three full-time pharmacy technicians and a pharmacist on the day shift. The Respondent's duties as a pharmacy technician include counting pills, putting them in bottles, and cleaning pill residue from shelves and work surfaces. The Respondent does not wear gloves when performing these tasks, but uses paper towels and alcohol or water to clean up pill residue. (Testimony of Hilary Carson; Laurie Dickinson; Brandon Conner; Ryan Taylor)

CONCLUSIONS OF LAW

Iowa Code section 272C.3(1)(e) and (f)(2003) authorizes licensing boards to initiate and prosecute disciplinary proceedings and impose licensee discipline, including revocation of the license. See also 657 IAC 3.30.

Iowa Code section 155A.6(7)(2003) provides that the Board may deny, suspend, or revoke a pharmacy technician registration for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of

this chapter or chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the board.

657 IAC 36.1(4) provides, in relevant part:

36.1(4) Grounds for discipline. The board may impose any of the disciplinary sanctions set out in rule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

...

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

...

(2) The excessive use of drugs which may impair a licensee's or registrant's ability to practice with reasonable skill or safety.

...

m. Inability of a licensee or registrant to practice with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

Iowa Code section 272C.3(2)(a)(2003) provides in relevant part:

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, ...upon failure of the licensee to comply with a decision of the board imposing licensee discipline.

The preponderance of the evidence established that the Respondent violated the November 22, 2002 Stipulation and Consent Order by ingesting a controlled substance, benzodiazepene, which was not prescribed for her by a treating health care provider. The Board is satisfied that proper procedures were followed in collecting and testing the Respondent's urine specimen and that sufficient benzodiazepine was present in the sample to justify a positive finding by the laboratory. The most likely explanation for the Respondent's positive urine screen is that she ingested the benzodiazepene. While the Respondent is exposed to pill residue in her employment as a pharmacy technician, the Board believes it is very unlikely that absorption of pill residue from performing routine pharmacy duties caused her positive urine screen.

Pharmacists and pharmacy technicians do not normally touch pills while counting them; they use a counting tray and spatula. When cleaning pill residue from surfaces, the pharmacy technician uses a cloth or paper towel and a cleaning solution or water. The Respondent should have had only minimal skin contact with pill residue while performing her duties, and it is unlikely that such exposure would result in a positive test result for one particular drug. The preponderance of the evidence established that the Respondent violated a condition of her probation by ingesting benzodiazepine that was not duly prescribed for her, in violation of Iowa Code section 272C.3(2)(a)(2003).

The Board has concerns about inconsistencies between the Respondent's testimony and her prior statements about her past drug involvement. However, her co-workers credibly testified that the Respondent has an excellent work record and that she has not exhibited any sign of using or being under the influence of drugs or alcohol. The Respondent remains very active in her recovery program. For these reasons, the Board believes that the Respondent is capable of continuing to work as a pharmacy technician with reasonable skill and safety, so long as she remains compliant with all of the conditions of probation. The Board will address this probation violation by extending the term of the Respondent's probation and by making her subject to random testing of hair specimens, in addition to blood and urine.

DECISION AND ORDER

IT IS THEREFORE ORDERED that pharmacy technician registration no. 3917, issued to Cheryl Rousseau, shall be placed on a new period of probation for five (5) years, effective upon service of this Decision and Order, and subject to the following conditions:

1. The Respondent shall not consume alcohol.
2. The 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 the Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform the treating physician or other treating health care provider of her medical history, including her history of chemical dependency.

3. The Respondent shall provide witnessed blood, urine, or hair specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify the Respondent's compliance with any drug therapy ordered by the Respondent's physician, all costs of which shall be paid by the Respondent.

4. The Respondent shall comply with all treatment recommendations of her treatment program and her physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.

5. The Respondent shall file written, sworn quarterly reports with the Board attesting her compliance with all the terms and conditions of this Decision and Order. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.

6. The Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by the Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in paragraph (5) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

7. The Respondent shall make personal appearances before the Board or a Board Committee upon request. The Respondent shall be given reasonable notice of the date, time and location for such appearances.

8. The Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate.

9. During probation, the 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.

10. The Respondent shall release her medical records to the Board upon request, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and shall sign all necessary releases of information to allow the free flow of information between the Board and the Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of the Respondent is requested or required.

11. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to prescription drugs, controlled substances, or nonprescription drugs; with Iowa Code chapters 124, 124A, 124B, 126, 147, and 205; and shall comply with the Board's rules.

12. Should the Respondent violate or fail to comply with any of the terms and conditions of probation, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacy technician registration or to impose other registrant discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that the Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board may bill the Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. The Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 15th day of february, 2005.



Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners

cc: Scott Galenbeck, Assistant Attorney General
Pam Vandel, Attorney for Respondent

DIA No. 03PHB030

Page 9

This final decision of the Board can be appealed in accordance with the Iowa administrative procedures Act.

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW,
DECISION AND ORDER AGAINST**

CHERYL K. ROUSSEAU, RESPONDENT

2003-3917

TERMINATION ORDER

DATE: February 15, 2010

1. On February 15, 2005, a Findings of Fact, Conclusions of Law, Decision and Order was issued by the Iowa Board of Pharmacy placing the pharmacy technician registration number 3917 issued to Cheryl K. Rousseau on probation for a period of five years under certain terms and conditions.

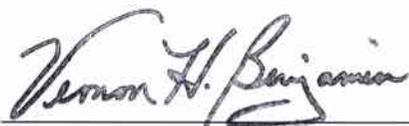
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's pharmacy technician registration is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARMACY



Vernon H. Benjamin Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688