

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

Re:)	Case No. 2003-78
Pharmacy Technician Registration of:)	
LINDA K. SCHROEDER)	STATEMENT OF CHARGES
Registration No. 3879)	
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 1997 the Board issued Respondent, Linda K. Schroeder, pharmacy technician registration number 3879, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's registration is current and active until December 31, 2004.
5. Respondent's current address is 1945 160th Avenue, Lost Nation, IA 52254.
6. Respondent was, at times material to this statement of charges, employed by the Jackson County Public Hospital, Maquoketa, Iowa.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION AND DISTRIBUTION OF DRUGS

Respondent is charged pursuant to Iowa Code §§ 126.308 and 155A.6(7) (2003), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j), with possession and distribution of prescription drugs for other than lawful purposes.

COUNT II – DISTRIBUTION OF MISBRANDED DRUGS

Respondent is charged pursuant to Iowa Code §§ 126.10 and 155A.6(7) (2003), and 657 Iowa Administrative Code § 36.1(4)(j), with distribution of misbranded drugs.

COUNT III – IMPROPER PERFORMANCE OF PHARMACIST FUNCTIONS

Respondent is charged under Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code §§ 6.7(3) and 36.1(4)(i) with the improper performance of pharmacist functions such as filling and dispensing prescriptions.

COUNT IV – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency, including a failure to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacy technician in the state of Iowa acting under the same or similar circumstances.

B. CIRCUMSTANCES

An investigation was commenced on September 18, 2003 which revealed the following:

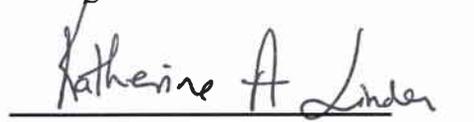
1. Respondent was originally employed by the pharmacy at the Jackson County Public Hospital in Maquoketa. The hospital pharmacy operated a program that sought to enroll low-income persons into a patient assistance program. The program distributed low or no cost prescription medications supplied to the hospital by manufacturers.
2. While employed by the Jackson County Public Hospital, Respondent formed a private business venture called “Prescription Assistance” which she partially operated from the hospital. Respondent enrolled people in her private business program after falsely informing people that they didn’t qualify for the hospital program. Respondent charged her customers a \$40 application fee, plus \$40 per type of medication obtained through “Prescription Assistance.”
3. Respondent’s “Prescription Assistance” business was similar to the hospital’s patient assistance program. “Prescription Assistance” distributed prescription medications directly to individuals without any involvement by a pharmacist.
4. In August of 2003, Respondent was discharged from her hospital employment due to her operation of a personal business from the hospital and inappropriate use of hospital resources. At the time of her discharge, Respondent’s Jackson County Public Hospital office was discovered to contain: (1) drugs returned by patient assistance program members, (2) bottles containing mixed capsules of drugs, (3) bottles with original prescription information crossed out and alternate recipient information hand-written on the label and (4) records indicating that, for a fee, Respondent dispensed “sample” medications while applications for low and no-cost prescriptions were pending.

5. Respondent distributed medications, including medications that had been returned, to patients without pharmacist review, a pharmacist license or a pharmacy license. Some medications distributed by Respondent were mislabeled and re-labeled
6. Respondent has subsequently opened a business in Maquoketa, advertising "Prescription Assistance" in the window of the business.

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 16th day of March 2004, 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

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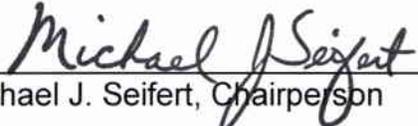
**ORDER
ACCEPTING
SURRENDER OF
PHARMACY TECHNICIAN
REGISTRATION**

COMES NOW, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy Examiners, on the 13th day of July 2004, and declares that:

1. The Respondent's Iowa pharmacy technician registration number is 3879.
2. Respondent has now decided to relinquish her Iowa pharmacy technician registration.
3. On July 13, 2004, the Board reviewed Respondent's voluntary surrender of her pharmacy technician registration and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacy technician registration number 3879 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 36.13, said surrender shall be considered a revocation of registration with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Michael J. Seifert, Chairperson

VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN REGISTRATION

I, Linda K. Schroeder, a resident of 1945 160th Avenue, Lost Nation, Iowa 52254, 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 3879, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of registration shall become effective upon the notarized signature of the registrant, Linda K. Schroeder, being affixed to this voluntary surrender document.

I, Linda K. Schroeder, 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 Examiners, 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 Examiners on the matter of my continued registration as a pharmacy technician pursuant to Chapter 155A, Code of Iowa (1999).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (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, Linda K. Schroeder, 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, Linda K. Schroeder, 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.

6/7/04
Date of signature

Linda K. Schroeder
Linda K. Schroeder

State of Iowa

County of Clinton

Signed and sworn to (or affirmed) before me this 7th day
of June, 2004, by Diane L. Claeys.

Diane L. Claeys
Notary Public

