

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

Re:)
Pharmacy Technician Registration of:)
Darcy Simpson) **STATEMENT OF CHARGES**
Registration No. 1462)
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 (1997).
3. On October 28, 1997, the Board issued Respondent, Darcy Simpson, pharmacy technician registration number 1462 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 1462 is current and active until March 31, 2000.
5. Respondent's current address is 2214 Jensen Avenue, Ames, Iowa 50010.
6. Respondent is not currently employed as a pharmacy technician.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.6(7) & 155A.12(1) & (5) (1997) 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 knowingly and unlawfully acquiring or obtaining a schedule IV controlled substance, Phentermine, by misrepresentation, fraud, forgery, deception or subterfuge in violation of Iowa Code §§ 124.403(1)(c)(2), 124.403(2), 124.210(5)(h).

THE CIRCUMSTANCES

On September 29, 1998, the board office received a report of theft or loss of controlled substances (Phentermine) at the Mary Greely Medical Center Pharmacy where Respondent worked as a pharmacy technician. During its investigation of missing controlled substances at the medical center, the Ames police department installed a hidden camera in the pharmacy

department, and the camera captured pictures of an individual identified as the Respondent taking Phentermine, a schedule IV controlled substance, from the pharmacy.

On December 8, 1998, the Respondent pled guilty to the crime of Prohibited Acts under Code §§ 124.403(1)(C), 124.403(2), and 124.201(5)(h) by knowingly and unlawfully acquiring or obtaining a schedule IV controlled substance, Phentermine, 15 mg, by misrepresentation, fraud, deception, or subterfuge. In her plea of guilty, Respondent admitted that on or about September 20, 1998, she knowingly and unlawfully acquired 17 tablets of Phentermine, 15 mg, by deception.

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 3 day of February, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

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:)	ORDER
Pharmacy Technician Registration of)	ACCEPTING
DARCY SIMPSON)	SURRENDER OF
Registration No. 1462)	PHARMACY TECHNICIAN
Respondent)	REGISTRATION

COMES NOW, Arlan D. Van Norman, Chairperson of the Iowa Board of Pharmacy Examiners, on the 15th day of July, 1999, and declares that:

1. On February 3, 1999, the Board issued a Statement of Charges to the Respondent.
2. On May 15, 1999, Respondent executed a voluntary surrender of her pharmacy technician registration number 1462 pursuant to 657 Iowa Administrative Code § 36.15. In so doing, Respondent waived her right to a formal hearing before the Iowa Board of Pharmacy Examiners.
3. On July 15, 1999, 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 1462 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



Arlan D. Van Norman, Chairperson

MAY 19 1999

IOWA PHARMACY EXAMINERS

VOLUNTARY SURRENDER OF PHARMACIST TECHNICIAN REGISTRATION

I, Darcy Simpson, a resident of 2214 Jensen Avenue, Ames, Iowa 50010, 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 pharmacist technician registration in the State of Iowa, number 1462, 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, Darcy Simpson, being affixed to this voluntary surrender document.

I, Darcy Simpson, 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 pharmacist technician pursuant to Chapter 155A, Code of Iowa (1997).
- (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, Darcy Simpson, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a pharmacist technician registration which has been voluntarily surrendered shall be considered a revocation of registration with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 9.23, which provides as follows:

Any person whose license to practice pharmacy . . . has been revoked . . . 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, Darcy Simpson, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of a pharmacist technician in the State of Iowa for which a registration is required.

5-15-99
Date of Signature

Darcy Simpson
Darcy Simpson

State of Iowa :
:SS
Story County :

Subscribed and sworn to me by Darcy Simpson on this 15 day of May, 1999.



Jodi Cory #185181
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA