

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

IN THE MATTER OF)	
)	
THE APPLICATION)	PRELIMINARY NOTICE OF
FOR REGISTRATION OF)	INTENT TO DENY
)	REGISTRATION
Nicole Standiford)	
APPLICANT.)	

TO: Nicole Standiford

YOU ARE HEREBY NOTIFIED that on June 25, 2013, the Iowa Board of Pharmacy voted to deny your application for registration as a pharmacist intern. The intent to deny registration is based upon the following:

LEGAL GROUNDS

The applicant applied for an Iowa pharmacist registration in accordance with Iowa Administrative Code rule 657–4.6. The Board has authority to deny an application for registration in accordance to rule 657–4.10.

FACTUAL CIRCUMSTANCES

Nicole Standiford submitted an application for a registration as a pharmacist intern to the Iowa Board of Pharmacy. On that application Ms. Standiford answered “yes” to question 2 that stated: “2. Has your intern, technician, or pharmacist license/registration in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subjected to disciplinary action (public or private) by a board of pharmacy or any other state authority?”

On October 22, 2012, the Alabama Board of Pharmacy revoked Ms. Standiford’s extern/intern permit for violating a monitoring order and agreement. In April 2012, Ms. Standiford previously agreed to monitoring with the Alabama Board’s Wellness Program due to prior alcohol-related convictions. The Alabama Board concluded Ms. Standiford violated that order by consuming and testing positive for alcohol.

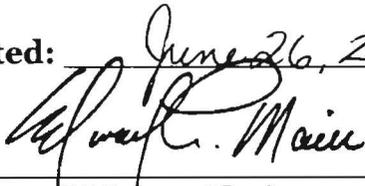
Ms. Standiford failed to disclose a Driving While Intoxicated offense and minor in possession of alcohol offense on her Iowa application.

NOTICE OF APPEAL RIGHTS

Pursuant to the provisions of Iowa Administrative Code rule 657–36.16 you

may appeal the Board's preliminary notice of denial of registration by serving a notice of appeal and request for hearing upon the board not more than thirty days following the date of mailing of this notice. The request for hearing shall specifically describe the facts to be contested and determined at the hearing. The hearing shall be held pursuant to the process outlined at Iowa Administrative Code rules 657-35.19 and 657-36.8. If an appeal is not filed within this time period, this preliminary notice of intent to deny licensure will become final.

Dated: June 26, 2013



Edward Maier, Chairperson
Iowa Board of Pharmacy

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF THE)	
REQUEST FOR RECONSIDERATION)	DIA NO: 13PHB049
OF THE PHARMACIST INTERN)	
REGISTRATION FOR:)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
NICOLE STANDIFORD)	DECISION AND ORDER

On August 27, 2013, a hearing was held before the Iowa Board of Pharmacy (Board) on Nicole Standiford's (Applicant) Request for Reconsideration of the Board's Preliminary Notice of Intent to Deny her application for registration as a pharmacist intern. The following members of the Board presided at the hearing: Edward Maier, Chairperson; Susan Frey; James Miller; Edward McKenna; Sharon Meyer; and Judith Trumpy. Nicole Standiford appeared for hearing and was self-represented. Assistant Attorney General Megan Gavin represented the state. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2013), and was recorded by a certified court reporter. 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. Following deliberations, the Board returned to open session and approved a motion granting the registration application, subject to terms of probation. 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 Notice of Hearing; the testimony of Nicole Standiford; State Exhibits 1-9 (See Exhibit Index for description); and Applicant Exhibit A.

FINDINGS OF FACT

1. On May 1, 2013, Nicole Standiford filed an Application for Registration as a Pharmacist-Intern with the Board. Ms. Standiford is currently a third year student at the University Of Iowa College Of Pharmacy with an anticipated graduation date in 2015. On her application, Ms. Standiford answered "yes" to the question that asked:

Has your intern, technician, or pharmacist license/registration in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise subject to disciplinary action (public or private) by a board of pharmacy or other state authority?

On the application, Ms. Standiford answered "no" to the question that asked:

Have you ever been charged or convicted (including pleading nolo contendere or guilty) of a felony misdemeanor (other than minor traffic offenses) whether or not the sentence was imposed or suspended, the charge was expunged, or you received a pardon for the offense?

(State Exhibit 3; Standiford testimony)

2. The Board received documentation that the Alabama State Board of Pharmacy took disciplinary action against Ms. Standiford's pharmacist extern/intern permit on April 21, 2012. (State Exhibit 4) The following chronology was established through documents obtained from the Alabama Board and by Ms. Standiford's testimony at hearing:

- a) Nicole Standiford was convicted of Operating While Intoxicated, on or about November 30, 2003, at the age of 19. (Standiford testimony)
- b) On March 23, 2004, Nicole Standiford completed a required substance abuse evaluation at Murphy's Rainbow Clinic, LLC in Cedar Falls, Iowa. The evaluator concluded that Ms. Standiford had a low probability of having a substance abuse disorder. The American Society of Addiction Medicine (ASAM) criteria and the SASSI-3 (Substance Abuse Subtle Screening Inventory) did not indicate that Ms. Standiford needed substance abuse treatment. (Standiford testimony; Applicant Exhibit A)
- c) During her testimony, Nicole Standiford volunteered that she was convicted of Possession of Marijuana and Driving While Suspended approximately six months after her OWI conviction. Ms. Standiford has had no further convictions since that time. (Standiford testimony)

- d) Nicole Standiford completed her undergraduate college education at the University of Northern Iowa. In August 2011, Ms. Standiford enrolled in the pharmacy program at Auburn University in Alabama as a first year student.
- e) In April 2012, Nicole Standiford entered into a Consent Order with the Alabama Board. The Consent Order allowed her to be issued an Alabama extern/intern permit conditioned on her compliance with a Monitoring Agreement established by the Alabama Board of Pharmacy Wellness Program ("Program"). Ms. Standiford agreed to comply with the recommendations of the Director of the Program and the Alabama Board. (Standiford testimony; State Exhibit 6)
- f) The terms of Ms. Standiford's Monitoring Agreement in Alabama included a prohibition on the use of any alcohol or controlled substances without appropriate authorization. (State Exhibit 7)
- g) The Alabama Board revoked Nicole Standiford's extern/intern permit after she violated the Monitoring Agreement by consuming and testing positive for alcohol and amphetamines on June 1, 2012 and June 4, 2012. Ms. Standiford did not attend the hearing before the Alabama Board. (State Exhibits 6-7)

3. In August 2012, Nicole Standiford enrolled in the University of Iowa's pharmacy program, and she completed her P2 year in May 2013. Ms. Standiford then applied for an Iowa pharmacist-intern registration. (Standiford testimony; State Exhibit 3) On June 26, 2013, the Board sent Ms. Standiford its Preliminary Notice of Intent to Deny Registration. The Board provided two reasons for the denial: the revocation of Ms. Standiford's extern/intern permit in Alabama and her failure to disclose her prior offenses on her Iowa application. (State Exhibit 1)

4. Nicole Standiford is scheduled to start classes for her P3 year on August 26, 2013, but she cannot be a registered student unless she has a pharmacist intern-registration. Ms. Standiford told the Board that she is not the same person that she was in 2003 and 2004 when she received her convictions. She has had a lot of changes in her life, including becoming a single mother of her now seven year old child. Ms. Standiford is an Iowa native, and she returned to Iowa to be closer to her family. She does not consider herself to have a substance abuse problem, but she agreed to participate in the Alabama Wellness Program in order to obtain her extern/intern permit. As a condition

of her participation, Ms. Standiford was required to attend Alcoholics Anonymous (AA) two days a week and to submit to random urinalysis twice a week. Ms. Standiford testified that she complied with these terms from April-June 2012. In June 2012, she went home to Iowa for the summer. After arriving in Iowa, she consumed alcohol with friends and then tested positive for alcohol when she was asked to submit to a random urinalysis. Ms. Standiford agrees that she should not have consumed alcohol. (Standiford testimony)

Ms. Standiford also testified that she answered the criminal history question on the Board's application "no" because she failed to read it carefully and thought that it only asked for felony convictions. She agrees that she should have answered the criminal history question "yes" and should have disclosed all of her misdemeanor convictions. Ms. Standiford testified that she is willing to comply with any restrictions that the Board places on her if granted her registration as a pharmacist-intern. (Standiford testimony)

CONCLUSIONS OF LAW

A person desiring to be a pharmacist-intern in this state shall apply to the board for registration on a form prescribed by the board.¹ The Board may deny an application for registration as a pharmacist-intern for any violation of the laws of the this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 124, 124A, 124B, 126, 147, 155A, or 205 or any rule of the Board.² Iowa Code chapter 155A and the Board's rules authorize the Board to revoke, suspend, or otherwise discipline a license for:

- knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct,³ or
- having a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to any of the grounds for disciplinary action in Iowa.⁴

¹ Iowa Code section 155A.6(2)(2013).

² Iowa Code section 155A.6(3); 657 IAC 4.10.

³ Iowa Code sections 147.55(3); 155A.12(2)(2013).

⁴ Iowa Code section 155A.13(2013);657 IAC 36.1(4)"ae."

The Board has sufficient grounds to deny Nicole Standiford's application for registration as a pharmacist-intern. The state of Alabama revoked Ms. Standiford's intern/extern permit after she failed to comply with its Consent Order. Failure to comply with a Board order is also grounds for discipline in Iowa.⁵ Ms. Standiford also provided a false answer to the criminal history question on the Iowa application. The question asks if the applicant "has ever been charged or convicted" of a felony misdemeanor, (other than minor traffic offenses). Ms. Standiford should have answered "yes" to this question. Licensed pharmacists and registered pharmacist-interns are expected to carefully review and truthfully complete all licensure and employment applications. Licensed pharmacists and registered pharmacist-interns are expected to be honest and forthright in all of their communications with licensing boards, regulatory agencies, health care providers, and the general public.

Nicole Standiford assures the Board that she has she has made positive changes in her life in the past nine years and has had no further offenses or convictions, other than traffic tickets. She has agreed to fully comply with any conditions that the Board chooses to place on her registration. Although the Board has some reservations, it was ultimately persuaded to give Ms. Standiford the opportunity to register as a pharmacist-intern in Iowa, subject to probationary terms.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the application for registration as a pharmacist intern, filed by Nicole Standiford (Applicant), is hereby GRANTED. The Applicant is hereby warned that she must carefully review all future applications and shall fully disclose her criminal history whenever it is requested. IT IS FURTHER ORDERED that the Applicant's pharmacist intern registration shall be placed on probation for its duration, subject to the following terms and conditions:

- A. The Applicant shall abstain from alcohol and shall not use any controlled substances or prescription drugs, unless prescribed for her by a duly licensed health care provider.
- B. The Applicant shall provide witnessed blood, hair or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and

⁵ Iowa Code section 272C.3(2)(a)(2013); 657 IAC 36.1(4)"i."

drug screening, and to verify the Applicant's compliance with this Order of the Board. All costs related to the analysis of such specimens shall be paid by the Applicant.

C. To facilitate performance of the preceding paragraph, the Applicant shall report to and provide a specimen to any healthcare provider specified by the Board-said healthcare provider to be located in reasonable proximity to the Applicant-within 24 hours after notice from the Board requesting that the Applicant provide a specimen. The Applicant shall cooperate with the Board in establishing a specimen testing program through FirstLab, and shall sign any necessary releases to provide the Board access to her test results and medical information.

D. The Applicant shall promptly provide, upon request from an agent of the Board, copies of or access to all of her medical records.

E. The Applicant shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate.

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

G. The Applicant shall notify all prospective preceptors or pharmacy employers of the terms, conditions, and restrictions imposed on Applicant by her probation. Notification shall be made by providing a copy of this Decision and Order no later than the time of interview. Within fifteen (15) days of undertaking a new position or employment as a pharmacist-intern, Applicant shall cause her preceptor or employer to report to the Board in writing, acknowledging that the preceptor/employer has read this document and understands it.

In addition, the Applicant's preceptor(s)/employer(s) shall file a written report

with the Board, concerning her performance as a pharmacist-intern, every six (6) months. If the length of the internship/employment experience is less than six months, then the preceptor/employer shall file a written report with the Board at the end of the internship/employment experience.

H. The Applicant shall make personal appearances before the Board or a Board committee upon request. The Board shall give Applicant reasonable notice of the date, time, and location for such appearances.

I. The Applicant shall obey all federal and state laws and regulations related to the practice of a pharmacist intern and the distribution of controlled substances.

J. Should the Applicant violate or fail to comply with any of the terms or conditions of probation, the Board may initiate action to revoke or suspend the Applicant's pharmacist intern registration, as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.

Dated this 28th day of August, 2013.



Edward Maier, Chairperson
Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Attorney General

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

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

NICOLE STANDIFORD, RESPONDENT

TERMINATION ORDER

DATE: April 28, 2015

1. On August 28, 2013, a Findings of Fact, Conclusions of Law, Decision and Order was issued by the Iowa Board of Pharmacy granting the application for registration as a pharmacist intern of Nicole Standiford and placing it on probation for the duration of applicant's pharmacist intern registration with certain terms and conditions.

2. Respondent petitioned the Board for early release from probation, stating that the probation is hindering her from finding a position as a pharmacist.

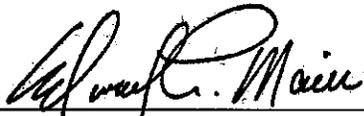
3. Motion by James Miller, seconded by Edward McKenna to grant request for early release from probation. The motion passed with Sharon Meyer and Judith Trumpy absent.

4. The Board directed that the probation placed upon the Respondent's pharmacist internship registration should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's pharmacist internship registration is terminated.

IOWA BOARD OF PHARAMCY



Edward L. Maier, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688