

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: )  
Pharmacy Technician Registration of )  
**RUTH THORSON** )  
Registration No. 1772, )  
Respondent )

Case No. 2011-99

**STATEMENT OF CHARGES**

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director of the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2011).
3. The Board issued Ruth Thorson (hereinafter, "Respondent") pharmacy technician registration number 1772, registering her as a pharmacy technician subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was last renewed on June 4, 2010, and expired on September 30, 2011.
4. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Floyd County Memorial Hospital, 800 11<sup>th</sup> Street, Charles City, Iowa 50616.

**A. CHARGE**

**COUNT I – PERFORMING PROHIBITED FUNCTIONS**

Respondent is charged pursuant to Iowa Code § 155A.6A(5) (2011) and 657 Iowa Administrative Code § 3.23 with performing functions that technicians are prohibited from performing.

**B. CIRCUMSTANCES**

On August 3, 2011 an investigation was commenced which revealed the following:

1. At all material times, Respondent was employed as a pharmacy technician at Floyd County Memorial Hospital, 800 11<sup>th</sup> Street, Charles City, Iowa 50616.

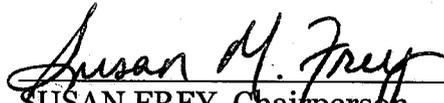
2. Lasix, 40 mg/ml, was mistakenly dispensed to a Floyd County Hospital patient. Before the medication was administered, the hospital staff noticed the error and returned the Lasix, 40 mg/ml, to the pharmacy.
3. Upon receipt of the Lasix, 40 mg/ml, Respondent dispensed the correct medication, Lasix 20 mg/ml, without the assistance of a pharmacist and without a pharmacist checking the medication being dispensed.

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 Director

On this 27 day of April 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



SUSAN FREY, Chairperson  
Iowa Board of Pharmacy  
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

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BEFORE THE IOWA BOARD OF PHARMACY

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IN THE MATTER OF THE  
STATEMENT OF CHARGES AGAINST:

CASE NO. 2011-99  
DIA NO. 12PHB031

RUTH THORSON  
Registration No. 1772

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
DECISION AND ORDER

RESPONDENT

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On April 27, 2012, the Iowa Board of Pharmacy (Board) found probable cause to file a Statement of Charges against Ruth Thorson (Respondent), alleging that she performed functions that pharmacy technicians are prohibited from performing, in violation of Iowa Code section 155A.6A(5)(2011) and 657 IAC 3.23.

The hearing was held on August 28, 2012 at 12:05 p.m. in the Board Conference Room, 400 SW 8<sup>th</sup> Street, Des Moines, Iowa. The following members of the Board served as presiding officers for the hearing: Susan Frey, Chairperson; Edward Maier; James Miller; Edward McKenna; DeeAnn Wedemeyer Oleson; LaDonna Gratias; and Margaret Whitworth. Assistant Attorney General Meghan Gavin represented the state. Respondent failed to appear for hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2011) and was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. 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 their decision. The administrative law judge was instructed to prepare the Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes State Exhibits 1-7 and proof of service.

FINDINGS OF FACT

1. The Board issued pharmacy technician registration number 1772 to Respondent, which authorized her to serve as a pharmacy technician, subject to the laws of the state

of Iowa and the rules of the Board. Respondent last renewed her pharmacy technician registration on June 4, 2010, and it expired on September 30, 2011. (State Exhibits 1, 3)

2. Respondent was employed by the Floyd County Memorial Hospital as a pharmacy technician at all times relevant to this decision. She was a long term employee of the hospital. Respondent had been placed on written warning due to a large number of errors. On July 22, 2011, Respondent made three errors in one day.

- An order came through for a patient to receive Lasix 20mg/ml IV daily. Respondent entered the order and then pulled 40 mg/ml Lasix instead of 20 mg/ml. The order was checked and verified by a pharmacist and sent to the floor without the error being caught;
- When the nurses were getting ready to administer the Lasix to the patient, they noticed that it was the wrong strength. There were four vials of 40mg/ml Lasix in the patient's drawer. The Lasix was returned to the pharmacy by a nurse and was not administered to the patient;
- Respondent refilled the order with the correct strength of Lasix but did not give the prescription to the pharmacist on duty for verification, in violation of hospital policy and regulations. Another pharmacy technician witnessed Respondent's actions and reported it to the pharmacist-in-charge;
- When the pharmacist-in-charge asked Respondent if incorrect medication had been taken to the floor, Respondent denied it. Respondent later admitted the error after she was confronted. Respondent initially also claimed that someone had verified the replacement medication. She admitted that she knew she had violated policy by failing to obtain pharmacist or charge nurse verification before sending the Lasix to the floor for the patient.

(State Exhibits 2-6)

3. Respondent's employment was terminated on July 27, 2011 for violating hospital policy and state Board of Pharmacy rules and for covering up her error. (State Exhibit 4)

4. Respondent was served with the Notice of Hearing and Statement of Charges by restricted certified mail, return receipt requested on May 1, 2012. (Proof of Service; State Exhibit 7) Respondent failed to appear for hearing.

## CONCLUSIONS OF LAW

Iowa Code §155A.6A(5)(2011) provides, in relevant part, that the board may suspend or revoke the registration of a registered pharmacy technician for any violation of the laws of this state, ... for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, 205, or 272C or any rule of the board.

657 IAC 3.23 provides, in relevant part:

**657-3.23(155A) Tasks a pharmacy technician shall not perform.** A pharmacy technician shall be not be authorized to perform any of the following judgment tasks:

1. Except for a certified pharmacy technician participating in an approved tech-check-tech program pursuant to 657-Chapter 40, provide the final verification for the accuracy, validity, completeness, or appropriateness of a filled prescription or medication order.

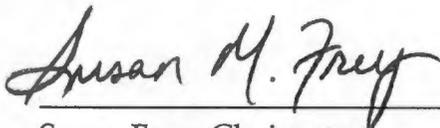
The preponderance of the evidence established that Respondent violated Iowa Code section 155A.6A(5)(2011) and 657 IAC 3.23 when she released a prescription medication for a patient without first obtaining pharmacist verification for the accuracy, validity, completeness, and appropriateness of the prescription order. The circumstances of Respondent's violation are aggravated because she lied to the pharmacist-in-charge when she was questioned about the prescription.

## DECISION AND ORDER

IT IS THEREFORE ORDERED that pharmacy technician registration number 1772, issued to Respondent Ruth Thorson, is hereby REVOKED. If Respondent seeks reinstatement of her registration, the burden will be placed on her to show that the basis for the revocation no longer exists and that is in the public interest for her registration to be reinstated. 657 IAC 36.13(4).

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

Dated this 21<sup>st</sup> day of Sept, 2012.

A handwritten signature in cursive script that reads "Susan M. Frey". The signature is written in black ink and is positioned above a horizontal line.

Susan Frey, Chairperson  
Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Attorney General

A default decision or decision rendered on the merits after a party has failed to appear or participate in a contested case hearing shall become final board action unless within 15 days after the date of notification or mailing of the decision a motion to vacate is filed and served on all parties or unless an appeal of a decision is timely initiated within the time provided by rule 35.26. A motion to vacate must state all facts relied upon by the moving party which establish good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated shall be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) shall be attached to the motion. 657 IAC 35.21. The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate. 657 IAC 35.21(4).

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.