

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	Case No. 2012-137
Pharmacy Technician,	)	
<b>AMBER TROYER</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 2369,	)	<b>&amp; NOTICE OF HEARING</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacy technician registration number 2369. Respondent's technician registration is active and will expire on October 31, 2013.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on March 12, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon hearing session, beginning at 1 pm. and shall be located in the Board conference room located at 400 S.W. 8<sup>th</sup> Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover State Office Building  
Des Moines, Iowa 50319.

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at Theresa.Weeg@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@iowa.gov.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

## **C. CHARGES**

### **Count I UNLAWFUL POSSESSION OF DRUGS**

Respondent is charged with the unlawful possession of prescription drugs, in violation of Iowa Code sections 124.403(1)(c), 155A.6A(5), and 155A.21(1) and 657 Iowa Administrative Code 36.1(4)(j).

### **Count II VIOLATING LAWS RELATED TO PHARMACY**

Respondent is charged with violating a law of this state which relates to the distribution of controlled substances, in violation of Iowa Code sections 124.403(1)(c) and 155A.6A(5); and 657 Iowa Administrative Code 36.1(4)(j).

#### **D. FACTUAL CIRCUMSTANCES**

1. Respondent is a registered pharmacy technician in the State of Iowa. Her registration is active and will expire on October 31, 2013.
2. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Hy-Vee Pharmacy in Pleasant Hill, IA.
3. In August and September of 2011, Hy-Vee Pharmacy in Pleasant Hill identified shortages of hydrocodone/APAP tablets.
4. During this time period, Respondent was the only technician on duty when the tablets were noted to be missing. During this time period, Respondent also exhibited a number of unusual behaviors, and was witnessed to have had loose tablets in her purse which were later identified as hydrocodone.
5. Respondent later admitted at a meeting with Hy-Vee staff members that she had taken approximately 400-450 tablets of hydrocodone from the pharmacy since July 2011 for her personal use. Respondent was subsequently terminated.
6. Multiple drug counts conducted after Respondent confessed to the theft of hydrocodone established that since September of 2011, the total number of missing hydrocodone tables of various dosage amounts totaled 18,419 tablets.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Theresa Weeg.

#### **F. PROBABLE CAUSE FINDING**

On this 6<sup>th</sup> day of December, 2012, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

*Susan M. Frey*

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SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa Weeg  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2012-137
Technician Registration of	)	
	)	<b>SETTLEMENT AGREEMENT AND</b>
<b>AMBER TROYER</b>	)	<b>FINAL ORDER</b>
Registration No. 2369	)	
Respondent.	)	

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy and Amber Troyer (Respondent) enter into the following Settlement Agreement and Final Order to settle a disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacy Technician Registration No. 2369.
2. Iowa Pharmacy Technician Registration Number 2369 is active and will expire on October 31, 2013.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against the Respondent on December 6, 2012.
5. At all times relevant to the Statement of Charges, Respondent was employed as a pharmacy technician at Hy-Vee Pharmacy in Pleasant Hill, IA.
6. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
7. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.
8. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.
9. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 Iowa Administrative Code rule 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.
10. Respondent agrees not to engage in any aspect of the practice of a pharmacy technician after the date of her signature on this Order.

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- 11. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.
- 12. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
- 13. The State's legal counsel may present this Settlement Agreement and Final Order to the Board *ex parte*.
- 14. Respondent acknowledges that she has a right to be represented by counsel on this matter.
- 15. This Settlement Agreement and Final Order 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 the Board or Respondent. If the Board approves this Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
- 16. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 20 day of September, 2013.

  
 AMBER TROYER, Pharmacy Technician  
 Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 24 day of September, 2013.

  
 EDWARD MAIER, Chairperson  
 Iowa Board of Pharmacy  
 400 SW Eighth Street, Suite E  
 Des Moines, Iowa 50309-4688

cc: Laura Cathelyn  
 Assistant Attorney General  
 Hoover Building, 2<sup>nd</sup> Floor  
 Des Moines, IA 50319

**BEFORE THE BOARD OF PHARMACY**

**OF THE STATE OF IOWA**

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Re:	)	ORDER ACCEPTING
Pharmacy Technician Registration	)	SURRENDER OF
<b>AMBER TROYER</b>	)	PHARMACY TECHNICIAN
Registration No. 2369.	)	REGISTRATION

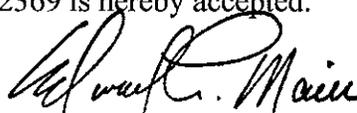
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**COMES NOW**, Edward Maier, Chairperson of the Iowa Board of Pharmacy, on the 24<sup>th</sup> day of September, 2013, and declares t hat:

1. On Amber Troyer, Respondent executed a voluntary surrender of her pharmacy technician registration number 2369.
2. The Board reviewed Respondent's voluntary surrender of her pharmacy technician registration and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

**WHEREFORE**, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacy technician registration number 2369 is hereby accepted.



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EDWARD MAIER, Chairperson