

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

Re:)	Case No. 2003-36
Pharmacy Technician Registration of:)	
NANCY TURNER)	STATEMENT OF CHARGES
Registration No. 1336)	
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, Nancy Turner, pharmacy technician registration number 1336, registering her as a pharmacy technician, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's technician registration is current and active until October 31, 2004.
5. Respondent's current address is 1488 Oak Grove Road, Letts, Iowa 52754.
6. Respondent was employed as a pharmacy technician at Drugtown/Clinic Pharmacy located at 109½ Walnut Street, Columbus Junction, Iowa 52738 at all times material to this statement of charges.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code § 36.1(4) 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.

COUNT II – IMPROPER PERFORMANCE OF PHARMACIST FUNCTIONS

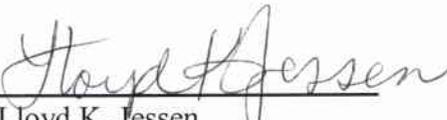
Respondent is charged under Iowa Code § 155A.6(7) (2003) and 657 Iowa Administrative Code §§ 6.7(3) and 36.1(4)(i) and (l) with the improper performance of pharmacist functions such as filling, providing final verification of and dispensing prescriptions.

B. FACTUAL CIRCUMSTANCES

On or about April 24, 2003 an investigation was commenced which revealed the following:

1. On April 9, 2003, Ray Couchman brought a prescription for lisinopril/HCTZ (for treatment of high blood pressure) to Respondent. Couchman's prescription was filled, instead, with glyburide 5mg (for treatment of type 2 diabetes). Pharmacist Todd Thompson filled the prescription from a stock bottle labeled lisinopril/HCTZ. The stock bottle was subsequently discovered to contain glyburide 5mg.
2. Mr. Couchman, who had been taking lisinopril/HCTZ for a significant period of time, noticed the dispensing error upon opening the medication. Couchman called the Respondent pharmacy and spoke with technician Nancy Turner. Turner verified that the pills given to Mr. Couchman had the same appearance as other tablets contained in a stock bottle labeled lisinopril/HCTZ. She then told Couchman that the difference in appearance (from his prior prescriptions) was probably the result of the medication being a new, generic product.
3. On April 15, 2003, after apparently taking glyburide for several days, Mr. Couchman went into hypoglycemic shock and has since died.

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 29 day of July, 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

Kay Bolton, for
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

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

Re: Technician Registration of
NANCY TURNER
Registration No. 1336
Respondent

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**STIPULATION
AND
CONSENT ORDER**

On this 16th day of March, 2004, the Iowa Board of Pharmacy Examiners and Nancy Turner, of 1488 Oak Grove Road, Letts, Iowa 52754, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on July 29, 2003, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was first issued a pharmacy technician registration in Iowa in 1997, as evidenced by Pharmacy Technician Registration Number 1336, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy Technician Registration Number 1336 issued to Respondent is active and current until October 31, 2004.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on July 19, 2003.

SECTION I

Respondent's pharmacy technician registration number 1336 shall be placed on probation for five (5) years with the following terms and conditions, beginning on the date this Order is accepted by the Board:

a. Respondent shall maintain her pharmacy technician certification from the Pharmacy Technician Certification Board (PTCB) in good standing.

b. Respondent shall within ninety (90) days of the date of approval of this Stipulation and Consent Order by the Board, submit to the Board proof of completion of an additional 10 hours of pharmacy technician continuing education in topics related to patient safety and proper technical functions, which addresses tasks that a pharmacy technician shall not perform. This continuing education shall be in addition to the continuing education needed to maintain and renew Respondent's pharmacy technician certification from the Pharmacy Technician Certification Board (PTCB).

c. Respondent shall within thirty (30) days of the date of approval of this Stipulation and Consent Order by the Board, submit to the Board, for its approval, a written policy and procedure for documenting, resolving, and helping prevent medication dispensing errors in the practice of pharmacy. The policy and procedure shall include a written protocol which describes the procedure for Respondent to follow when a dispensing error occurs. The policy and procedure shall also require that all records of Respondent's dispensing errors be consistently and periodically evaluated by the Respondent and her supervising pharmacist as part of a cycle of continuous quality improvement. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the

technical aspects of the practice of pharmacy.

d. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5 September 5 and December 5 of each year of Respondent's probation. The quarterly reports shall include Respondent's place of employment, current home address, home telephone number, work telephone number, and any further information deemed necessary by the Board from time to time.

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

f. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

g. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacy technician, Respondent shall cause her pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

SECTION II

1. Should Respondent leave Iowa to reside or practice in another state, she shall notify the Board in writing fourteen (14) days prior to her departure and within fourteen (14) days of her return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period without prior request to and approval by the Board.

2. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or petition to revoke probation is filed against Respondent during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

3. Upon successful completion of probation, Respondent's certificate will be fully restored.

4. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

5. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 25th day of February, 2004.

Nancy Turner, CPHT
NANCY TURNER, Pharmacy Technician
Respondent

State of Iowa
County of Muscatine
Signed and sworn (or affirmed) before me on February 25, 2004 by Nancy Turner. *for (00020782.DOC)*
Date.



Joyce Henderson

Signature of Notary Public

7. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16th day of March, 2004.

Katherine A Linder

KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
RiverPoint Business Park
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309-4688

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
NANCY TURNER, RESPONDENT
2003-36**

TERMINATION ORDER

DATE: June 5, 2009

1. On March 16, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the pharmacy technician registration, number 1336 issued to Nancy Turner on probation for a period of five years under certain terms and conditions.

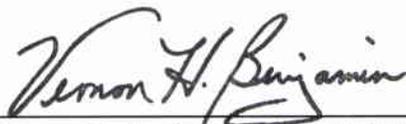
2. Respondent, on March 16, 2009, successfully completed the terms of her probation.

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

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's pharmacy technician registration is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARAMCY



Vernon H. Benjamin, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688