

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-100
Pharmacy Support Person Registration of)	
)	NOTICE OF HEARING AND
NICOLE WATTS)	STATEMENT OF CHARGES
Registration No. 286)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges against Nicole Watts pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2013). Respondent's Iowa pharmacy support person registration number 286 is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 29, 2014, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th 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 pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 Iowa Administrative Code rule 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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.

B. LEGAL AUTHORITY AND JURISDICTION

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

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 147, 155A, and 272C and under 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

ENGAGING IN UNETHICAL BEHAVIOR

Respondent is charged with engaging in unethical behavior in violation of Iowa Code section 155A.6B(5) and 657 Iowa Administrative Code rules 5.25(4), 8.11(8), 36.1(4)(c).

Count II

FRAUD IN PROCURING A LICENSE

Respondent is charged with fraud in obtaining a license in violation of Iowa Code section 155A.6B(5) and 657 Iowa Administrative Code rule 5.25(4) and 36.1(4)(a), (c).

Count III

UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession of prescription drugs, including controlled substances, for other than lawful purposes, in violation of Iowa Code sections 124.401 and 155A.6B pursuant to Iowa Code section 155A.12(5) and 657 Iowa Administrative Code rule 5.25(4), 36.1(4)(j).

D. FACTUAL CIRCUMSTANCES

1. On May 22, 2013, the Board received a complaint from Greenwood Drug Pharmacy that they have had an employee theft of Morphine Sulfate ER 60mg tablets.

2. The missing tablets were discovered the day prior when technician Mary Jo Goerdts attempted to fill a prescription for 60 Morphine Sulfate ER 60mg tablets and could not find a bottle containing 58 tablets that she had counted the previous day.
3. Security tapes from the pharmacy showed the Respondent place the bottle with the 58 tablets into her smock.
4. The Respondent admitted to the diversion. A bottle containing 53 tablets was recovered from the Respondent's residence.
5. The Respondent did not report her 2003 Operating a Motor Vehicle conviction on her PSP renewal in 2012. The Respondent answered "NO" to Question Number 8, which asked, "Have you EVER been charged, convicted, found guilty of, or entered a plea of guilty or no contest to a felony or misdemeanor crime (*other than minor traffic violations with fines under \$100*)?"

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 rule 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Meghan Gavin at (515) 281-6736.

F. FINDING OF PROBABLE CAUSE

On this the 12th day of March, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Edward Maier, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703239255042</u> | <input type="checkbox"/> other _____ |

on the 13th day of March, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.



Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:) CASE NO. 2013-100
Pharmacy Support Person Registration of)
)
NICOLE WATTS) **SETTLEMENT AGREEMENT AND**
) **FINAL ORDER**
Registration No. 286)
Respondent.)

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Nicole Watts ("Respondent") enter into the following Settlement Agreement and Final Order ("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:

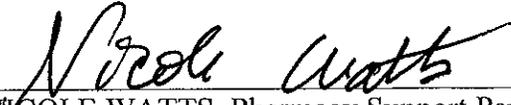
1. Respondent holds Iowa Pharmacy Support Person Registration No. 286, which is active through July 31, 2014.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on March 12, 2014. A contested case hearing in this matter is scheduled for April 29, 2014.
4. 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 discipline.
5. This Order is the resolution of a contested case. By entering into this 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 Order.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that she has a right to be represented by counsel on this matter.
8. The State's legal counsel may present this Order to the Board *ex parte*.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
10. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
12. The Board's approval of this Settlement Agreement shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

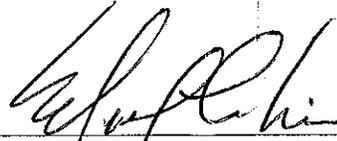
13. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy support person registration to resolve this matter.
14. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least three years from the date of this Order.
15. Respondent may request reinstatement of her Iowa pharmacy support person 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.
16. Respondent agrees not to engage in any aspect of the practice of a pharmacy support person until such time as her registration is reinstated.
17. Respondent shall immediately surrender her pharmacy support person registration to the Board.
18. Should Respondent violate the terms of this 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.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 26th day of March, 2014.



NICOLE WATTS, Pharmacy Support Person
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 30th day of April, 2014.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319