

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2008-102
Pharmacist License of)
JAIME WOLFE) **STATEMENT OF CHARGES**
License No. 18017,)
Respondent.)

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

1. He is the Executive Director for 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 155A and 272C (2007).
3. On July 23, 1993, the Board issued Jaime Wolfe (hereinafter "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 18017, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2009.
5. Respondent's most recent address of record is 5900 N.W. 113th Street, Grimes, Iowa 50111.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at Broadlawns Medical Center, 1801 Hickman Road, Des Moines, Iowa 50314-1597.

A. CHARGE

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1), 155A.21 and 155A.23 (2007) and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

COUNT II – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code §§ 124.403(c) and 155A.12(5) (2007), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT III – INABILITY TO PRACTICE PHARMACY DUE TO CHEMICAL ABUSE

Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

COUNT IV – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(14) (2007) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to herself in the absence of a prescription.

COUNT V – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa as evidenced by Respondent's diversion of controlled substances and other prescription drugs.

COUNT VI – FRAUD IN OBTAINING A LICENSE

Respondent is charged pursuant to Iowa Code § 155A.23(13) (2007) and 657 Iowa Administrative Code § 36.1(4)(a) with fraud in obtaining a pharmacist license.

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 22nd day of Oct. 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


LEMAN OLSON, 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 BOARD OF PHARMACY
FOR THE STATE OF IOWA**

Re:)	Case No. 2008-102
Pharmacist License of)	
JAIME WOLFE)	EMERGENCY ORDER
License No. 18017,)	
Respondent.)	

I. JURISDICTION

The Iowa Board of Pharmacy (hereinafter, "Board") has jurisdiction over pharmacy licenses pursuant to Iowa Code Chapters 155A and 272C (2007). Respondent Jamie Wolfe possesses pharmacist license number 18017 issued by the Board. A Statement of Charges was filed against Respondent on October ^{22nd}, 2008. After receipt and review of the Statement of Charges, and careful review of evidence relating to the Statement of Charges, the Board has adopted the following Findings of Fact, Conclusions of Law and Emergency Order.

II. FINDINGS OF FACT

1. On July 23, 1993, the Board issued Respondent a license to engage in the practice of pharmacy as evidenced by license number 18017, subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent was recently employed as a pharmacist at Broadlawns Medical Center pharmacy, 1801 Hickman Road, Des Moines, Iowa 50111.
3. On or about September 29, 2008, an investigation was commenced which revealed, among other things:

- a. On September 29, 2008, Respondent was arrested and charged by the Iowa State Patrol with operating a motor vehicle while intoxicated (OWI). An hour and 40 minutes after her arrest, Respondent's blood alcohol level was .140%.
 - b. During a video-taped interview with Board compliance officers, Respondent acknowledged alcohol abuse for the past 5 years. Respondent also admitted she had diverted prescription medications, including controlled substances Hydrocodone APAP and diazepam, from an open supply of returned medications at Broadlawns Medical Center Pharmacy where she was employed.
 - c. Respondent was previously charged with an OWI in 2006, to which Respondent pleaded guilty. Respondent failed to reveal the 2006 OWI conviction on her June 2007 pharmacist license renewal application.
 - d. Respondent was discharged from employment at Broadlawns Medical Center Pharmacy on October 2, 2008.
4. The Board finds that the evidence assembled during the investigation of Respondent supports the October 22, 2008 Statement of Charges against Respondent. The Board also finds that Respondent is habitually intoxicated and has diverted to her own use prescription medications, including controlled substances, and has violated the provisions of Iowa Code Chapter 155A (2007) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(h), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(ad) in the manner alleged in the Statement of Charges.
5. The Board finds that Respondent is an immediate danger to the public health, safety and welfare for the following reasons:

- a. Respondent has acknowledged alcohol abuse for the past five years. Most recently, Respondent was arrested on September 29, 2008, while driving in a highly intoxicated state. Respondent's blood alcohol level was .140% an hour and a half after her arrest.
 - b. Respondent's OWI charge is not her first. Respondent has had prior OWI charges, and a prior OWI conviction in 2006 – a conviction she concealed from the Board.
 - c. In addition, Respondent admits to diversion and personal use of prescription medications – including controlled substances – from the pharmacy where she was employed. A urine sample taken September 30, 2008, revealed clonazepam metabolite, temazepam and tramadol in Respondent's urine.
 - d. The above facts indicate to the Board that Respondent is not capable of safely performing pharmacist functions, which require a clear, unimpaired mental state. Respondent's recent intoxication has been severe. Should Respondent be impaired during hours of employment, she might cause or fail to prevent a dispensing error, fail to conduct an accurate utilization review or fail to appropriately counsel patients on medication usage.
 - e. Given Respondent's recent record of alcohol and drug abuse, there is no certainty that Respondent can practice pharmacy in a safe, unimpaired manner. If Respondent were impaired while working, there would be an immediate risk of public injury.
6. The Board finds that immediate, emergency action must be taken for the reason that if Respondent is allowed to continue to work as a pharmacist, the public health, safety and welfare will be threatened by her condition; specifically, by Respondent's impairment due to habitual alcohol intoxication and prescription drug abuse. Given this fact, the Board must act in the interest of public safety, health and welfare to suspend Respondent's license to practice

pharmacy until her alcohol and drug dependency is treated and controlled.

7. The Board finds that the minimum emergency action needed to protect the public health, safety and welfare is as follows:
 - a. Immediate suspension of Respondent's pharmacist license.
 - b. Issuance of an order directing that Respondent's license shall remain suspended until satisfactory evidence of Respondent's ability to resume the practice of pharmacy has been provided to the Board.

III. CONCLUSIONS OF LAW

1. Respondent's alcohol and drug abuse, and related violations of the provisions of Iowa Code chapter 155A.15 (2007), 657 Iowa Administrative Code § 36.1(4)(d), and 657 Iowa Administrative Code § 36.1(4)(m), prevent Respondent from working safely as a pharmacist.
2. The provisions of Iowa Code § 17A.18A (2007) permit the Board of Pharmacy to take emergency action to protect the health, safety and welfare of the public. A basis for emergency action against respondent, pursuant to the provisions of the Iowa Code and the Iowa Administrative Code, has been established by the findings of fact adopted above.

IV. EMERGENCY ORDER

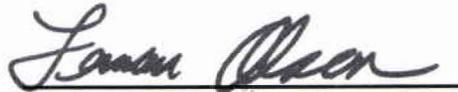
The Board ORDERS as follows:

1. Pursuant to Iowa Code § 17A.18A, chapter 155A (2007), 657 Iowa Administrative Code § 36.1(4)(d) and 657 Iowa Administrative Code § 36.1(4)(m), the pharmacist license of Jamie

Wolfe is suspended indefinitely. This suspension is effective immediately upon issuance of this order.

2. Respondent shall be notified of this order as provided in 657 Iowa Administrative Code 35.30(2).
3. A hearing regarding this Emergency Adjudicative Order and the Statement of Charges against Respondent shall be held on November 20, 2008. The hearing will commence at 1:00 P.M. and be held at the office of the Iowa Board of Pharmacy, 400 Southwest 8th Street, Suite E, Des Moines, Iowa 50309.

DATED this 22nd day of October 2008.



LEMAN OLSON, 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 50319

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

Re: Pharmacist License of
JAIME L. WOLFE
License No. 18017
Respondent

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**STIPULATION
AND
CONSENT ORDER**

On this 2nd day of June, 2009, the Iowa Board of Pharmacy and JAIME L. WOLFE, of 5900 NW 113th Street, Grimes, Iowa 50111, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy, on the allegations specified in the Emergency Order and Statement of Charges filed against Respondent on October 22, 2008, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 23rd day of February, 1993, by examination as evidenced by Pharmacist License Number 18017, which is recorded in the permanent records of the Iowa Board of Pharmacy.

2. That Iowa Pharmacist License Number 18017 issued to Respondent is active and current until June 30, 2009.

4. That the Iowa Board of Pharmacy has jurisdiction over the parties and the subject matter herein.

5. An Emergency Order and Statement of Charges was filed against Respondent on October 22, 2008.

SECTION I

Upon the Board's approval of this Stipulation and Consent Order, the suspension of Respondent's license shall be lifted and Respondent's license shall be placed on probation for five (5) years, subject to the following terms and conditions:

- a. Respondent shall not consume alcohol.
- b. Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall fully inform any treating physician or other treating health care provider of her medical history. Additionally, Respondent shall not possess any controlled substance, except medications prescribed in accordance with this paragraph.
- c. Respondent shall participate in and shall fully comply with a Board-approved urine screening program provided through First Lab or another provider. In addition, Respondent shall immediately submit a witnessed blood, hair, or urine sample whenever requested by the Board or its designee. All costs relating to specimen screening, testing, and analysis shall be borne by and paid for by Respondent. The specimens obtained shall be used for alcohol and drug screening and to verify Respondent's compliance with this Stipulation and Consent Order and with any therapy ordered by Respondent's physician.
- d. Respondent shall comply with all treatment recommendations of her physicians and/or counselors, if applicable. If treatment is ongoing, the treatment program or physician/counselor shall submit quarterly reports to the Board documenting

Respondent's compliance with the treatment program.

e. 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.

f. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings if recommended by Respondent's physician or treatment-provider. If such meetings are required, Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

g. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direction of Emily Dykstra or her designee.

h. 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.

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

j. 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 pharmacist, Respondent shall cause her pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and the Statement of Charges and understands them. In addition, Respondent shall provide notification of her probationary status to prospective employers at the time of interview and shall provide them with a copy of her Statement of Charges and this Stipulation and Consent Order at the time of interview.

k. Respondent shall not manage, administer or be the pharmacist in charge of any pharmacy.

l. Respondent shall not be self-employed as a pharmacy owner/operator, nor supervise any registered intern, nor perform any of the duties of a pharmacy preceptor.

m. Respondent shall inform the board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

SECTION II

1. Respondent agrees to release all her medical records to the Board, including all medical records pertaining to treatment for any mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, shall continue in effect for five years from the

date on which Respondent's pharmacist license is placed on probation.

2. 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.

3. 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.

4. Upon successful completion of probation, Respondent's license will be fully restored.

5. 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.

6. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 18th day of May, 2009.

Jaime Wolfe
JAIME L. WOLFE, R.Ph.
Respondent

Subscribed and Sworn to before me on this 18th day of May, 2009.



Debbie S. Jorgenson
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

7. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 2nd day of June, 2009.

Susan M. Frey
Vernon H. Benjamin, Chairperson
Iowa Board of Pharmacy
RiverPoint Business Park
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST

JAIME WOLFE, R.Ph., RESPONDENT

2008-102

TERMINATION ORDER

DATE: June 2, 2014

1. On June 2, 2009, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 18017 issued to Jaime Wolfe on July 23, 1993, on probation for a period of five years under certain terms and conditions.

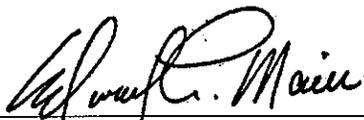
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

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

IOWA BOARD OF PHARMACY



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