

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-136
Pharmacy Technician,)	
JOEDY K. WYNN)	STATEMENT OF CHARGES
Registration No. 15675,)	& NOTICE OF HEARING
Respondent.)	

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 15675. Respondent's technician registration is active and will expire on July 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 p.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 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
2nd 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 July 31, 2013.

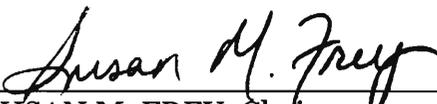
2. At all times material to this Statement of Charges, Respondent was employed as a pharmacy technician at Hy-Vee Pharmacy in Corning, IA.
3. In June of 2012, Hy-Vee Pharmacy in Corning identified shortages of phentermine, and a video recording in the pharmacy showed Respondent taking phentermine off the shelf three times in two days. No prescription for that drug was filled in those two days.
4. Respondent admitted that she had taken Phentermine from the pharmacy for her personal use. Respondent was terminated from her position.
5. An audit conducted by the pharmacy established that there were nine (9) missing tablets of phentermine 37.5, and 41 (41) missing capsules of phentermine 30mg.

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 ~~12~~⁶th 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, 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

Re:)	Case No. 2012-136
Pharmacy Technician Registration of)	
JOEDY K. WYNN,)	SETTLEMENT AGREEMENT
Registration No. 15675,)	AND
Respondent.)	FINAL ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Joedy K. Wynn (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:

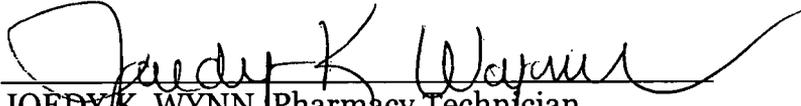
1. Respondent was issued Pharmacy Technician Registration No. 15675.
2. Iowa Pharmacy Technician Registration Number 15675 is active and will expire on July 31, 2013.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against 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 Corning, Iowa.

6. Respondent has chosen not to contest the allegations in the Statement of Charges. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
7. On the date the Board approves this Settlement Agreement and Final Order, Respondent's technician registration shall be placed on probation for six (6) months, subject to the following terms:
 - a. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.
 - b. Respondent shall pay a civil penalty in the amount of \$250. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within ten (10) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
 - c. Respondent shall submit written reports to the Board quarterly. Each report shall include Respondent's place of employment, current address, a narrative discussing Respondent's current compliance with the terms of this Settlement Agreement and Final Order, and any additional information requested by the Board. Quarterly reports shall be filed no later than January 5th, April 5th, July 5th, and October 5th.
 - d. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of this Settlement Agreement and Final Order.

- e. Respondent shall not possess or use any controlled substance or prescription drug unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed treating physician or other licensed treating health care provider.
 - f. Respondent shall provide witnessed blood, hair or urine specimens on demand by the board or its agents. The specimens shall be used for drug screening, and to verify Respondent's compliance with this Stipulation and Consent Order. All costs related to the analysis of such specimens shall be paid by Respondent.
 - g. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacy technician during her probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
 - h. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
 - i. Only the periods of time during which Respondent is actively practicing as a pharmacy technician in Iowa shall apply to the duration of the probation, unless otherwise approved by the Board.
8. Should Respondent violate or fail to comply with any of the terms and conditions of this Settlement Agreement and Final Order, the Board may initiate action to revoke or suspend Respondent's pharmacy technician registration or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC 36.

9. 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.
10. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
11. 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.
12. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 5 day of January 2013.


JOEDY K. WYNN, Pharmacy Technician
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 16 day of January 2013.


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

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IOWA BOARD OF PHARMACY

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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JAN 30 2013

BEFORE THE IOWA BOARD OF PHARMACY IOWA BOARD OF PHARMACY

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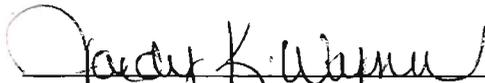
The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacy Technician Registration No. 15675.
2. Iowa Pharmacy Technician Registration Number 15675 is active and will expire on July 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 Corning, Iowa.
6. On January 5, 2013, the Board accepted a Settlement Agreement and Final Order to resolve the pending Statement of Charges.
7. Respondent has now decided to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.
8. This voluntary surrender is considered a revocation of license under 657 IAC 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 IAC 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.
11. 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.
12. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.

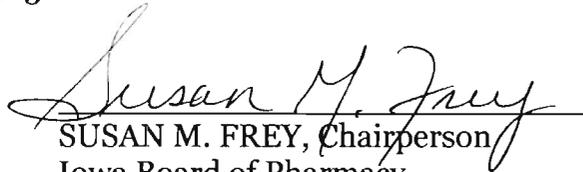
13. This Settlement Agreement and Final Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
14. 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 28 day of January 2013.



JOEDY K. WYNN, Pharmacy Technician
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 13th day of March 2013.



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

cc: Theresa O=Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319