BEFORE THE IOWA BOARD OF PHARMACY

Re: Pharmacy Technician Registration of **MARQUAISHA HAYGOOD** Registration No. 19605 Respondent.	))))))	CASE NO. 2014-137 **NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Marquaisha Haygood ("Respondent"), 2557 Wedgewood Road #56, Des Moines, IA 50317, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent's Iowa pharmacy technician registration number 19605 is currently delinquent, having expired on April 30, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 28, 2015, before the Board. The hearing shall be held during the afternoon session beginning at 1:00 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 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 IAC 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 IAC 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:

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

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@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 (2015).

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 IAC 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 IAC 35.21.

C. CHARGES

Count I
ENGAGING IN UNETHICAL BEHAVIOR

Respondent is charged with engaging in unethical behavior, specifically theft, in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(3), (9), and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c", and "u".

Count II
MISREPRESENTATIVE DEEDS

Respondent is charged with making a statement tending to deceive, misrepresent, or mislead anyone, or being a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of pharmacy in violation of 657 IAC 3.28(1), pursuant to Iowa Code sections 147.55(3), (9), and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c", and "u".

Count III
DELINQUENT REGISTRATION

Respondent is charged with working as a pharmacy technician without an active registration in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"u", and "v".

D. FACTUAL CIRCUMSTANCES

1. Respondent was employed as a pharmacy technician in Des Moines, Iowa.

2. In May, 2014, Respondent instructed another pharmacy technician to give a prescription of promethazine with codeine cough syrup to a drive-thru customer free of charge. The customer entered the store after receiving the prescription in the drive-thru and indicated that it was the incorrect prescription. The customer had a prescription for generic Tussionex cough syrup. The bottle of promethazine with codeine was labeled with a prescription from the prior month, contained a reprint of prescription leaflet from the prior prescription, and was filled with 240 mL instead of 180 mL as indicated on the label. Video footage shows Respondent filling the bottle in the back of the pharmacy and failing to bring it to the front of the pharmacy for normal processing.

3. In June, 2014, video footage shows Respondent taking several bags of prescription medications to the back pharmacy counter. Respondent is seen removing the multiple bags to consolidate the medications into one large sack. Respondent did not place one of the liquid prescriptions into the large sack. The patient later reported that a bottle of promethazine with codeine cough syrup was missing from the large sack.

4. Respondent's pharmacy technician registration expired on April 30, 2014. Respondent continued working as a pharmacy technician until her termination for the above-described events on July 3, 2014.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 10th day of March, 2015, 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: Laura Steffensmeier
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:

( ) personal service
(X) certified mail, return receipt requested
Article Number 9171999991703106714566

( ) first class mail
( ) facsimile
( ) other _____

on the 10th day of March, 2015.

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

Debbie S. Jorgenson

Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re: Certified Technician Registration of	))	CASE NO. 2014-137
MARQUAISHA HAYGOOD Registration No. 19605 Respondent.	)))	**SETTLEMENT AGREEMENT AND FINAL ORDER**

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and Marquaisha Haygood ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case 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 Technician Registration No. 19605, which is currently delinquent having expired on April 30, 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 10, 2015.

4. Respondent admits 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.

5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

6. Respondent is freely and voluntarily entering into this Order.

7. Respondent acknowledges that she has the right to be represented by counsel on this matter.

8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

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. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.

12. 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.

13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.

15. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Reinstatement requests are governed by 657 IAC 36.13.

16. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her registration is reinstated.

17. 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 (2015) and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 27th day of May, 2015.

Marquaisha Haygood

MARQUAISHA HAYGOOD
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the ___ day of _____, 2015.

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

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319