

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-74
Certified Technician Registration of)	
)	NOTICE OF HEARING AND
ASHLEY HENSON)	STATEMENT OF CHARGES
License No. 8907)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges against Ashley Henson pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent's Iowa certified technician registration number 8907 is currently active and expires on June 30, 2015.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on September 1, 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 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 (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 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 sections 147.55(3) and 155A.6A(5) and 657 Iowa Administrative Code rules 3.28(4), 3.30, and 36.1(4)(u).

Count II

OBTAINING OR POSSESSING PRESCRIPTION DRUGS WITHOUT LAWFUL AUTHORITY

Respondent is charged with obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority in violation of Iowa Code section 147.55(9) and 155A.6A(5) and 657 Administrative Code rules 3.30 and 36.1(4)(aj).

Count III

DIVERSION OF PRESCRIPTION DRUGS

Respondent is charged with diverting prescription drugs from a pharmacy for personal use of for distribution in violation of Iowa Code sections 147.55(9) and 155A.6A(5) and 657 Iowa Administrative Code rules 3.30 and 36.1(4)(ak).

D. FACTUAL CIRCUMSTANCES

1. Respondent holds Iowa certified technician license number 8907, which is currently active and expires on June 30, 2015.
2. Respondent was employed as a technician at Hy-Vee Pharmacy in Cherokee, Iowa.

3. Respondent was observed on camera taking tablets out of a bottle and putting them into the pocket of her lab coat.

4. A review of the pharmacy's inventory showed 23 tablets of hydrocodone/apap 7.5mg/325mg unaccounted for.

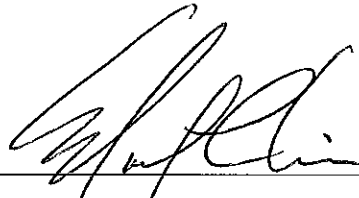
5. Respondent was charged with Theft in the Fifth Degree as a result of this incident.

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 23rd day of June, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Edward L. 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

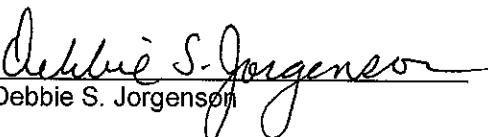
PROOF OF SERVICE

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703106714733 | <input type="checkbox"/> other _____ |

on the 25th day of June, 2015.

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


Debbie S. Jorgenson