

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF:)	
)	Docket No. 2011-43
Request for Reinstatement of)	DIA No. 15PHB019
Pharmacist License)	
AMANDA LATTA)	
License No. 19669,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Respondent.)	DECISION, AND ORDER
)	

STATEMENT OF THE CASE

On September 1, 2015, a hearing was held before the Iowa Board of Pharmacy (Board) on the application for reinstatement filed by Respondent Amanda Latta. The following members of the Board presided at the hearing: Edward Maier, Chairperson; James Miller; LaDonna Gratiias; Jason Hansel; Judith Trumpy; Sharon Meyer; and Edward McKenna. Respondent appeared and was self-represented. Assistant attorney general Meghan Gavin represented the State. The hearing was closed to the public at the election of Respondent, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Administrative Law Judge Laura Lockard assisted the Board in conducting the hearing and was instructed to prepare the Board's written decision in accordance with its deliberations.

THE RECORD

The record includes Respondent's July 19, 2015 e-mail correspondence requesting reinstatement; the Notice of Hearing; the March 7, 2012 Notice of Hearing and Statement of Charges; the April 27, 2012 Stipulation and Consent Order; and State's Exhibits 1 through 19.

FINDINGS OF FACT

In 2002, Respondent Amanda Latta was issued pharmacist license number 19669. On March 7, 2012, the Board issued a Statement of Charges alleging that Latta had admitted to a history of alcohol and prescription medication abuse, along with diversion of hydrocodone. The Statement of Charges further alleged that Respondent had entered into a contract with the Iowa Pharmacist Recovery Network (IPRN), but did not follow through with her contractual responsibilities. Additionally, the Board alleged that Respondent's health care providers do not recommend that she be employed where she would handle controlled substances. (Exh. 5).

On April 27, 2012, the Board entered a Stipulation and Consent Order resolving the then-pending disciplinary proceeding. The order resulted in the indefinite suspension

of Latta's pharmacist license and set forth terms upon which the suspension could be terminated. Specifically, the order provides that in order to terminate the suspension, Latta must: 1) obtain a complete physical and mental health evaluation, including a substance abuse evaluation, from a physician/treatment provider pre-approved by the Board; 2) deliver to the Board a written, fully documented, and current physical and mental health evaluation, including a substance abuse evaluation, which concludes that Latta is mentally and physically fit to practice pharmacy, including an assessment of Latta's ability to cope with the presence of controlled substances in the pharmacy setting; and 3) permit the Board complete access to her medical records, including records of substance abuse evaluation and treatment. The order goes on to indicate that at such time that Latta can satisfy the conditions for termination of the suspension, a five-year period of probation with specified terms shall commence. (Exh. 6).

On July 19, 2015, Latta submitted an e-mail to the Board requesting an appearance for the Board to consider termination of her indefinite suspension. (Exh. 1).

From March through May 2011, Latta completed inpatient treatment at Hazelden Addiction Treatment Center. During that time period, she self-reported substance abuse to the Board and to IPRN. Latta attended Alcoholic Anonymous (AA) after release from Hazelden and relapsed with alcohol in August 2012 and August 2013. Latta's last use of alcohol was on August 26, 2013 and her last misuse of prescription drugs was on October 17, 2013. (Latta testimony; Exh. 18).

After her last relapse with alcohol, Latta attended St. Luke's relapse prevention program from July through September 2013. Latta has been regularly attending AA meetings since September 2013 and has been working with her current sponsor since April 2014. In March 2015, Latta became an AA sponsor. Additionally, Latta is the general service representative for her home AA group. She attends at least three AA meetings per week. (Latta testimony; Exh. 18).

Additionally, Latta re-signed a contract with IPRN in August 2014 and attends monthly meetings. In June 2015, Latta attended the APhA Institute on Alcoholism and Drug Dependencies with a scholarship from the Iowa Pharmacy Association. Latta currently has a job offer to be a monitor for IPRN. In addition, Latta has attended meetings every other week of the University of Iowa Professionals Program Aftercare Group since November 2014. (Latta testimony; Exh. 18).

Latta submitted an August 14, 2015 physical evaluation from her primary health care provider, physician assistant Tod Walker. Walker notes that he provides primary care for Walker, but she receives mental health care from Dr. Mungala and Cher Stephenson, LISW. With regard to Latta's chronic back pain, Walker indicates that this condition has been clinically stable and occasional exacerbations are manageable without the use of narcotics. Latta is working with a pain clinic to manage her chronic pain and, as part of that pain management, is receiving steroid injections, physical therapy, and massage therapy. (Exh. 7, pp. 52-53; Latta testimony).

Latta also submitted an August 6, 2015 Visit Summary from Dr. Jill Liesveld with University of Iowa Hospitals & Clinics Behavioral Health Services. Dr. Liesveld noted that Latta has been sober since October 27, 2013. Dr. Liesveld opined that Latta can safely return to working as a pharmacist with monitoring through IPRN. (Exh. 14, pp. 73-80).

An August 7, 2015 letter from Cher Stephenson, LMHC, states that Latta self-initiated counseling with Stephenson in July 2014 as part of her treatment program to manage symptoms of mental health issues and to augment her substance abuse recovery. Stephenson states that over the past year Latta has significantly improved symptom recognition and developed a variety of skills to address the symptoms she is experiencing at any particular time. Stephenson also notes that Latta is open to asking for and accepting help from those in her support team, including Stephenson and primary physician, psychiatrist, AA sponsor and other members, spouse, family members, and church community. (Exh. 16, p. 87).

CONCLUSIONS OF LAW

The Board's regulations regarding reinstatement provide, in relevant part:

657-36.13 Reinstatement. Any person whose license to practice pharmacy . . . has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Prerequisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

...

36.13(4) Burden of proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

The Board's rules place a heavy burden on persons seeking reinstatement of a revoked or surrendered license. In this instance, the Board concludes that Latta has met this burden. Latta was candid in acknowledging and taking responsibility for the actions that resulted in her suspension. Her own testimony and the documents submitted by her health care providers and her mental health counselor demonstrate that she has committed herself fully to the recovery process and continues to actively participate in a

significant way in AA and other structured activities related to recovery, including monitoring through the IPRN.

Latta has fully satisfied the terms the Board laid out in the April 2012 settlement agreement. The evaluations Latta submitted demonstrate that she is mentally and physically fit to practice pharmacy, taking into account her prior substance abuse issues. Latta has demonstrated, by a preponderance of the evidence, that the basis for the suspension no longer exists and that it is in the public interest for her license to be reinstated, subject to the probationary terms outlined in this order.

DECISION AND ORDER

IT IS THEREFORE ORDERED that upon submission of verification of the required continuing education and payment of the applicable fee, Respondent's pharmacist license number 19669 shall be REINSTATED. Respondent's license shall immediately be placed on PROBATION for a term of five years.

IT IS FURTHER ORDERED that Respondent's probation shall be subject to the following terms and conditions:

- 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 days of such a change.
- B. Respondent shall report to the Board quarterly, in writing. The report shall include Respondent's place of employment, current address, Respondent's most recent efforts to comply with the terms of probation, and any further information deemed necessary by the Board from time to time. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Respondent's probation.
- C. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this reinstatement order.
- D. Within 15 days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
- E. Upon her return to active pharmacy practice and during the time period of her probation, Respondent's PIC shall submit quarterly reports to the Board. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Respondent's active pharmacy practice while her probation is still in effect.

- F. Respondent is prohibited from serving as a pharmacist-in-charge and from ownership of a pharmacy.
- G. During the first six months of employment during probation, Respondent shall not work more than 24 hours per week. Following successful completion of six months of employment, Respondent may request permission from the Board to work additional hours per week.
- H. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
- I. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
- J. Respondent shall not possess or use alcohol or 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. Respondent shall inform any treating physician or treating health care provider of her medical history, including any history of chemical dependency.
- K. Respondent shall provide witnessed blood, hair or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this order and any drug therapy ordered by Respondent's physician or treatment provider. All costs related to the analysis of such specimens shall be paid by Respondent.
- L. To facilitate performance of the preceding paragraph, Respondent shall report to and provide a specimen to any health care provider specified by the Board – said health care provider to be located in reasonable proximity to Respondent – on the same day that the Board provides notice that a specimen is required. Respondent agrees to cooperate with the Board in establishing a specimen testing program through National Toxicology Services. Respondent shall sign all necessary releases to allow National Toxicology Services or any other testing facility to disclose to the Board her medical information, including test results, generated by Respondent's contact with the facility.
- M. Respondent shall promptly provide, upon request of an agent of the Board, copies of or access to all her medical records.
- N. Respondent shall ensure that the health care provider managing her chronic pain submits quarterly reports to the Board regarding her pain management. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Respondent's active pharmacy practice while her probation is still in effect.

- O. Respondent shall attend and participate in Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or a similarly structured support group on a regular weekly basis and shall maintain documentation of her attendance, which shall be included with her quarterly reports. Respondent shall maintain her relationship with her AA sponsor.
- P. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- Q. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate.
- R. Should Respondent violate or fail to comply with any of the terms and conditions of probation, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

Dated this 4th day of November, 2015



James Miller
Chairperson, Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Attorney General

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.