

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF:)	
)	Docket No. 2015-25
Pharmacist License of)	DIA No. 16PHB007
INIE CLEMENT)	
License No. 16963,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Respondent.)	DECISION, AND ORDER
)	

STATEMENT OF THE CASE

On June 23, 2015, the Iowa Board of Pharmacy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent Inie Clement, alleging that she failed to notify the Board of a change of address.

The hearing was held on June 29, 2016. The following members of the Board presided at the hearing: James Miller, Chairperson; LaDonna Gratiyas; Edward McKenna; Edward Maier; Sharon Meyer; and Jason Hansel. Assistant attorney general Meghan Gavin represented the State. Attorney Patricia Hulting represented Respondent Inie Clement, who did not appear for the hearing. The hearing was open to the public pursuant to Respondent's request, 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 the Notice of Hearing and Statement of Charges, as well as the documents associated with the Respondent's Petition to Vacate. The record also includes hearing testimony of Jennifer O'Toole. The State introduced Exhibits 1 through 12, which were admitted as evidence.

FINDINGS OF FACT

Respondent Inie Clement is a licensed pharmacist in the state of Iowa. Her license is currently active and set to expire on June 30, 2017. At some point in early 2015, the Board became aware that the Iowa Department of Revenue had issued license sanctions against Respondent based on an unpaid liability.¹ The Board attempted to mail notification of the sanctions to Respondent at the address on file for her: 1168 22nd Street, Des Moines, Iowa 50311. The letter the Board sent to that address by certified

¹ The Department of Revenue ultimately rescinded the sanction against Clement's license. (O'Toole testimony).

mail was returned to the Board by the United States Postal Service, with "RETURN TO SENDER[;] VACANT[;] UNABLE TO FORWARD" noted on the envelope. The Board resent the letter by regular mail and that mailing did not come back as undeliverable. (O'Toole testimony; Exh. 3, 7).

After receiving the returned correspondence, Board compliance officer Jennifer O'Toole attempted to personally serve the notification on Clement at the 22nd Street address. O'Toole left a message with the person who answered the door requesting that Respondent contact O'Toole. Respondent never contacted O'Toole. (O'Toole testimony; Exh. 3).

O'Toole did online research to attempt to find another address for Respondent. She found information on the Polk County assessor's website showing two other residences for which Respondent was listed as the owner. O'Toole sent letters to Respondent at those two addresses, but received no return contact. (O'Toole testimony).

On June 23, 2015, the Board found probable cause to issue a Statement of Charges against Respondent alleging that she failed to notify the Board within 10 days of a change in address. The Board cited its failed attempts to serve Respondent with the notice of Department of Revenue license sanctions.

Respondent's most recent employer is RPH on the Go, a temporary agency that places traveling pharmacists outside of the Des Moines area. Respondent received a W-2 from RPH on the Go for the 2015 tax year. (O'Toole testimony).

CONCLUSIONS OF LAW

Pursuant to Iowa Code section 155A.12(1), the Board may impose discipline on a pharmacist's license in the event that the licensee violates any provision of Chapter 155A or any rules of the Board adopted under Chapter 155A. Under the Board's rules, a pharmacist is required to report to the Board within 10 days a change of the pharmacist's name, address, or pharmacy employment.²


Under these circumstances, the State has not shown by a preponderance of the evidence that Respondent violated the Board rule requiring her to report a change of address within 10 days. There is no evidence of another address at which Respondent resides and there is evidence in the record that she works for a company that places pharmacists in traveling assignments, explaining her temporary absence from her residence for more lengthy periods of time.

² 657 Iowa Administrative Code (IAC) 2.15.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the Statement of Charges filed against Inie Clement on June 23, 2015 is hereby DISMISSED.

Dated this 30th day of August, 2016.


James Miller
Chairperson, Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Attorney General
Patricia Hulting, Attorney for Respondent

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.