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BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA Iowa Board of Pharmacy

IN THE MATTER OF  BRITTANY DALY  RESPONDENT	CASE NO.: 23-0140  VOLUNTARY SURRENDER OF REGISTRATION THROUGH CONSENT ORDER
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**COME NOW** the Iowa Board of Pharmacy (“Board”) and Brittany Daly (“Respondent”) and enter this Voluntary Surrender of Registration through Consent Order (“Voluntary Surrender”) pursuant to Iowa Code sections 17A.10(1) and 272C.3(4).

**A. JURISDICTION AND BACKGROUND**

1. **Iowa Registration.** Respondent maintains Iowa pharmacy technician trainee registration 37288. Respondent’s Iowa pharmacy technician trainee registration is active and will expire on June 12, 2024.
2. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 155A *et seq.*

**B. STATEMENT OF CHARGES**

Count I

3. Respondent is charged under 657 IAC 36.6(4)(a) with habitual intoxication based upon the inability of Respondent to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

**C. FACTUAL CIRCUMSTANCES**

4. On or about the date of September 20, 2023, Respondent left the pharmacy at which she

was employed and subsequent investigation revealed she was intoxicated during her shift but not at the pharmacy.

#### **D. SETTLEMENT AGREEMENT**

5. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated statement of charges.

6. The Respondent acknowledges that they have a right to a hearing before the Iowa Board of Pharmacy on the merits of the charges. By freely and voluntarily entering into this Voluntary Surrender, the Respondent waives their right to a hearing and all attendant rights, including the right to seek judicial review. This Voluntary Surrender constitutes the final agency order in this contested case pursuant to 657 IAC 35.31.

7. The Respondent agrees that the Assistant Attorney General may present this Voluntary Surrender to the Iowa Board of Pharmacy and may have *ex parte* communications with the Iowa Board of Pharmacy while presenting it. The Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Voluntary Surrender among the Iowa Board of Pharmacy and the Assistant Attorney General.

8. This Voluntary Surrender shall be part of the disciplinary record of the Respondent and shall be considered by the Iowa Board of Pharmacy in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of mental health counseling by the Respondent.

9. This Voluntary Surrender shall be reported to the national database NABP Clearinghouse.

10. The Respondent shall at all future times fully and promptly comply with all pertinent orders of the Board and the statutes and Board rules regulating the practice of mental health counseling. Failure to comply with the terms of this Voluntary Surrender shall be grounds for discipline pursuant to Iowa Code § 272C.3(2)(a) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Voluntary Surrender without a hearing, or waiver of hearing.

11. This Voluntary Surrender is not binding on the Respondent or the Iowa Board of Pharmacy until it has been formally approved by a majority of the members of the Iowa Board of Pharmacy.

(a) If this Voluntary Surrender is rejected by the Iowa Board of Pharmacy it shall be of no force or effect to either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Iowa Board of Pharmacy approves this Voluntary Surrender, it shall fully dispose of all issues in this case.

12. Upon acceptance by both the Board and Respondent, this Voluntary Surrender shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

**A. VOLUNTARY SURRENDER:** The Respondent voluntarily agrees to surrender her Iowa registration to the Iowa Board of Pharmacy as sanction for the above-admitted violation. The

effective date of the registration surrender shall be on the day this Consent Order is approved by the Board.

**B. REGISTRANT REAPPLICATION:** Reinstatement of the Respondent's Iowa registration shall be governed by Iowa Code §§ 155A.6A, 272C.15, and 657 IAC 3.1 *et seq.* The Respondent specifically acknowledges that pursuant to this agreement, the Respondent shall not be eligible to seek reinstatement of their registration for a minimum of one year from the date her registration surrender is effective.

**WHEREFORE,** the terms of this Voluntary Surrender of Registration through Consent Order is agreed to by the Iowa Board of Pharmacy and the Respondent.

**FOR THE RESPONDENT:**

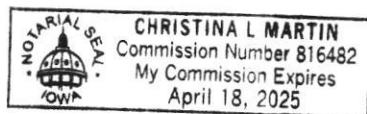
Voluntarily agreed to and accepted by Brittany Daly on this <sup>BD</sup> ~~14~~ <sup>6<sup>th</sup></sup> day of ~~February~~ <sup>March</sup>, 2024.

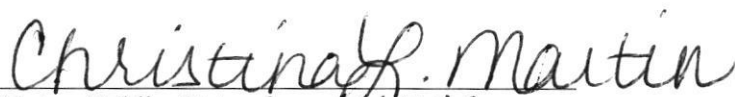
  
By: Brittany Daly, Respondent

State of IA

County of Scott

Signed and sworn to before me on this 6<sup>th</sup> day of MARCH, 2024, by:



  
Notary Public, State of IOWA

Printed Name: CHRISTINA L. MARTINI  
My Commission Expires: 4/18/25

**FOR THE IOWA BOARD OF PHARMACY:**

Voluntarily agreed to and accepted by the **IOWA BOARD OF PHARMACY** on  
this 7th day of May, 2024.

*Kathryn Stone*

**Dr. Kathy Stone**, Chair  
Iowa Board of Pharmacy