

**BEFORE THE BOARD OF PHARMACY
STATE OF IDAHO**

In the Matter of the License and)	
Registration of:)	Case No. BOP 10-225
)	
ELIZABETH BAKKEN, R.Ph.)	ADMINISTRATIVE
Pharmacist License No. P5716)	COMPLAINT
CS Registration No. CS9875)	
)	
Respondent.)	

TO: Elizabeth Bakken, R.Ph.
P.O. Box 1385
Pullman, WA 99163

NOTICE OF OPPORTUNITY FOR A HEARING

Pursuant to the provisions of title 54, chapter 17, Idaho Code, and the duly promulgated rules of the Idaho State Board of Pharmacy ("Board"), you are hereby notified that you have been charged with violating the Board's rules and regulations and/or the Idaho Code as outlined below. You may request to appear before the Board at its next regularly scheduled meeting on **March 4, 2011, in Boise, Idaho**. If this date and time is unavailable to you and/or your counsel and/or your witnesses, you may request another date and time for a hearing. **This request for a different date and time for a hearing must be submitted in writing within twenty-one (21) days of the date this Administrative Complaint is postmarked.** *If you have any questions, please feel free to contact Andy Snook directly, either in writing at P.O. Box 83720, Boise, Idaho 83720-0010 or via phone at 208-334-4550.*

ADMINISTRATIVE COMPLAINT

COMES NOW, the Idaho State Board of Pharmacy ("Board"), by and through its Executive Director, and charges Elizabeth Bakken, R.Ph. ("Respondent") with violating the laws and rules governing the practice of pharmacy in the state of Idaho as follows:

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JURISDICTION

I.

The Board may regulate the practice of pharmacy in the state of Idaho in accordance with title 54, chapter 17, Idaho Code, the Idaho Pharmacy Act, and the rules of the Board, promulgated at IDAPA 27.01.01. The Board is further empowered by title 37, chapter 27, Idaho Code, to administer the regulating provisions of the Uniform Controlled Substances Act in the state of Idaho.

II.

Respondent is a licensee of the Board and holds Pharmacist License No. P5716 and Controlled Substance Registration No. CS9875 to practice pharmacy in the state of Idaho. Respondent's license and registration are subject to the provisions of title 54, chapter 17, Idaho Code, and the provisions of title 37, chapter 27, Idaho Code.

ALLEGATIONS

III.

On February 8, 2010, patient W.C. sought to have a prescription filled at the Wal-Mart Pharmacy in Moscow, Idaho ("Wal-Mart Pharmacy"). W.C. was a new patient at the Wal-Mart Pharmacy, with a new prescription, and had no previous contact with the Wal-Mart Pharmacy. In addition, W.C. had a specific question concerning the potential side effects of the new prescription.

IV.

On February 8, 2010, Respondent was working as a pharmacist at the Wal-Mart Pharmacy and checked the prescription accuracy of W.C.'s prescription prior to order entry by the pharmacy technician.

V.

At no time prior to, during, or after the filling of W.C.'s prescription on February 8, 2010, did Respondent offer to counsel patient W.C. with regard to the prescription.

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VI.

Respondent's actions, as described above, are in violation of the laws and rules governing the practice of pharmacy in the state of Idaho and constitute grounds for discipline as follows:

- a. Idaho Code § 54-1749 (when filling a prescription a pharmacist shall complete a prospective drug review and then offer to counsel the patient or caregiver "face to face" when possible or appropriate);
- b. Idaho Code § 54-1726(f) (violation of any of the provisions of this chapter, chapter 27, title 37, Idaho Code, or rules adopted by the Board); and
- c. Board Rule 184.13 (any activity by a pharmacist that is inappropriate to the conduct of the profession of pharmacy) (IDAPA 27.01.01.184.13).

PRAYER FOR RELIEF

WHEREFORE, the Board prays for the following action:

1. That a hearing commence at the next Board meeting, scheduled for March 4, 2011, to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board's designated hearing officer;
2. That after taking evidence, or after Respondent fails to file an Answer to this Complaint, the Board or its designated hearing officer shall issue findings of fact and conclusions of law, which findings of fact and conclusions of law shall be submitted to the Board for a determination as to the appropriate discipline.
3. If an Answer to this Complaint is not timely filed (within twenty-one (21) days after service of the pleading), the presiding officer may issue a notice of default against Respondent.

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4. For such other and further relief as the Board deems just and proper in these circumstances.

Dated this 27th day of Jan, 2011.

IDAHO STATE BOARD OF PHARMACY

By: 

Mark Johnston
Executive Director

NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01.270.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file an Answer to the allegations in writing with the Idaho State Board of Pharmacy within 21 (twenty-one) days after receiving the Complaint and (2) request an evidentiary hearing on the charges.

You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library or on the Internet at <http://www2.state.id.us/adm/adminrules/index.htm>.

All persons requiring assistance pursuant to the Americans with Disabilities Act in order to participate in or understand the hearing must request such assistance ten (10) days in advance of the hearing by contacting the Board at the number or address listed below.

All original documents must be filed with the Board's Executive Director at the following address:

Idaho State Board of Pharmacy
3380 Americana Terrace
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
Facsimile: (208) 334-3536

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon the prosecuting attorney for the Board at the following address:

Andrew

Andrew J. Snook
Deputy Attorney General
Civil Litigation Division
P. O. Box 83720
Boise, ID 83720-0010

208-334

fax 208-334-4151

voice 208-332-3092


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of Jan, 2011, I caused to be served a true and correct copy of the foregoing ADMINISTRATIVE COMPLAINT by the following method to:

Elizabeth Bakken, R.Ph.
P.O. Box 1385
Pullman, WA 99163

Andrew J. Snook, DAG
Civil Litigation Division
P. O. Box 83720
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:
- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile:
- ☒ Statehouse Mail


Mark Johnston
Executive Director