

THE BOARD OF PHARMACY EXAMINERS

OF THE STATE OF IOWA

RE: PHARMACIST LICENSE OF

:

EMERGENCY ORDER:

JOHN M. ALLERTON (13078)

LICENSE SUSPENSION

NOW on this 23rd day of March 1984, members of the Iowa Board of Pharmacy Examiners meeting by telephone conference call, have reviewed the following evidence:

1. That John M. Allerton is a licensed pharmacist in Iowa, having been issued license 13078 on January 5, 1965, who operates Martin's Drug, 700 1st Avenue, Council Bluffs, Iowa, according to the records on file in the office of the Board.
2. That John M. Allerton has signed statements indicating that he has illegally delivered Schedule III, IV and V controlled substances without legal authority to do so.
3. That an audit of Martin's Drug was conducted by Morrell Spencer and Charles Vandenburg, who are duly authorized agents of the Board.
4. That Morrell Spencer personally informed Norman C. Johnson, Executive Secretary of the Board that the results of the controlled substance audit of Martin's Drug, covering the period October 1, 1982, through March 19, 1984, revealed the following:
 - a. Shortages of 2266 ounces of Tussionex suspension, a Schedule III controlled substance.
 - b. Shortages of 25,065 doses of Acetaminophen with Codeine 30mg tablets, a Schedule III controlled substance.
 - c. Shortages of 10,583 doses of Talwin 50mg tablets, a Schedule IV controlled substance.
 - d. Shortages of 5970 doses of Talwin NX tablets, a Schedule IV controlled substance.
 - e. Shortages of 2154 ounces of Robitussin AC syrup, a Schedule V controlled substance.
 - f. Shortages of 1648 ounces of D-Histine DH syrup, a Schedule V controlled substance.
 - g. Shortages of 1056 ounces of Codahist DH Syrup, a Schedule V controlled substance.

h. Shortages of 1014 ounces of Novahistine DH syrup, a Schedule V controlled substance

5. That John M. Allerton has explained the shortages by admitting to a continued practice of delivery and sale of Schedule III, IV and V controlled substances to numerous persons without legal authority and for no legitimate medical purpose.

6. That sales receipts on file in Martin's Drug indicate that the drugs listed in item (4) were sold without prescription order on approximately 225 different occasions during the period October 1, 1982, through March 19, 1984.

Based upon the evidence, members of the Iowa Board of Pharmacy Examiners find that the practice shown by the shortages and admission of the licensee present a clear danger to the public health and safety and that the practice shows a willful and complete disregard for the public health and safety, the laws of this state and the ethical obligations of a pharmacy practitioner. They further find that the public health and safety would be jeopardized if John M. Allerton were to be allowed to continue in the practice of pharmacy until a hearing can be conducted. They find that the public health and safety therefore makes emergency summary license suspension imperative and so direct the Executive Secretary to issue such order.

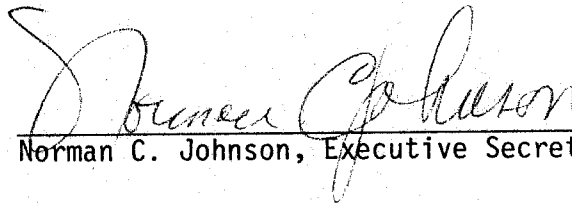
IT IS HEREBY ORDERED, pursuant to the authority of Chapter 17A.18(3), Code of Iowa 1983, that the license of John M. Allerton to practice pharmacy be temporarily suspended until such time as a hearing before the Iowa Board of Pharmacy Examiners can be conducted.

IT IS FURTHER ORDERED that John M. Allerton appear before the Iowa Board of Pharmacy Examiners on May 23, 1984, at 9:30 a.m. in the State Board Conference Room, second floor, Grimes State Office Building, Capitol Complex, Des Moines, Iowa.

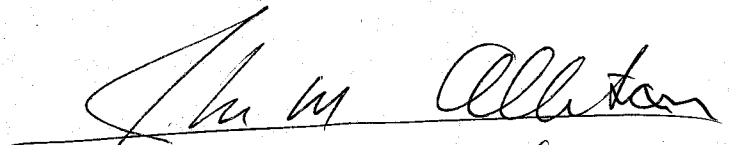
The order for temporary suspension and the notice of hearing are issued pursuant to the authority granted the Iowa Board of Pharmacy Examiners under Chapters 17A, 155, 204 and 258A, Code of Iowa 1983.

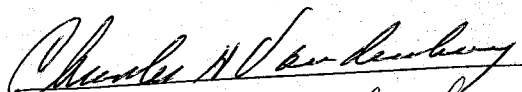
You may bring counsel to the hearing and cross-examine any witness and call witnesses of your own. Failure to appear could result in suspension or revocation of your license.

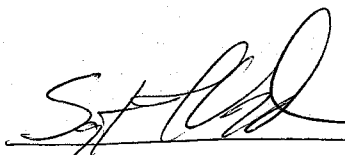
Detailed information of charges will be forwarded to you prior to the hearing date. Information regarding the hearing may be obtained from Thomas D. McGrane, Assistant Attorney General, State Capitol, Des Moines, Iowa.


Norman C. Johnson, Executive Secretary

By my signature, below, I acknowledge this Emergency Order of License Suspension


John M. Allerton

 3/23/84 6:04 PM
Witness - date - time

 3/23/84 1804
Witness - date - time

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint :
and Statement of Charges Against : COMPLAINT AND
: :
JOHN M. ALLERTON, Pharmacist : STATEMENT OF CHARGES
Respondent :

COMES NOW, Norman C. Johnson, executive secretary of the Iowa Board of Pharmacy Examiners on the 14th day of June, 1984, and files this Complaint and Statement of Charges against John M. Allerton, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges:

1. That John F. Rode, chairperson; Margo L. Underwood, vice chairperson; Rollin C. Bridge; Jerry M. Hartleip; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.
2. That Respondent is a resident of Council Bluffs, Iowa, and was issued license number 13078 to practice pharmacy in the State of Iowa on January 5, 1965.
3. That Respondent's license to practice pharmacy is current until June 30, 1984.
4. That Respondent is the owner of Martin's Drug, 700 1st Avenue, Council Bluffs, Iowa, license #604.
5. That an audit of the records of Martin's Drug was conducted between March 5, 1984, and March 28, 1984, by Morrell Spencer and Charles Vandenburg, who are duly authorized agents of the Board.
6. That the audit covered the period of October 1, 1982, to March 19, 1984.
7. That the results of that audit revealed the following:
 - a. Shortages of 25,065 doses of Acetaminophen with Codeine 30mg tablets, a Schedule III controlled substance.
 - b. Shortages of 377 Acetaminophen with Codeine 60mg tablets, a Schedule III controlled substance.
 - c. Shortages of 568 ounces of Cheracol syrup, a Schedule V controlled substance.
 - d. Shortages of 1056 ounces of Codehist DH syrup, a Schedule V controlled substance.
 - e. Shortages of 12,031 Darvocet N 100 tablets, a Schedule IV controlled substance.
 - f. Shortages of 6059 Darvon N 100 tablets, a Schedule IV controlled substance.
 - g. Shortages of 2134 Dalmane 30mg capsules, a Schedule IV controlled substance.
 - h. Shortages of 1648 ounces of Dihistine DH liquid, a Schedule V controlled substance.
 - i. Shortages of 370 Doriden 500mg tablets, a Schedule III controlled substance.
 - j. Shortages of 127 ounces of Hycamine syrup, a Schedule III controlled substance.

*Sent to file
3-6-85*

k. Shortages of 28.6 ounces of Hycotuss Expectorant, a Schedule III controlled substance.

l. Shortages of 2145 Meprobamate 200mg tablets, a Schedule IV controlled substance.

m. Shortages of 2259 Meprobamate 400mg tablets, a Schedule IV controlled substance.

n. Shortages of 1014 ounces of Novahistine DH liquid, a Schedule V controlled substance.

o. Shortages of 108 Percodan tablets, a Schedule II controlled substance.

p. Shortages of 3612 ounces of Promethazine Expectorant with Codeine, a Schedule V controlled substance.

q. Shortages of 714 ounces of Promethazine VC Expectorant with Codeine, a Schedule V controlled substance.

r. Shortages of 965 Propoxyphene 65mg capsules, a Schedule IV controlled substance.

s. Shortages of 2970 Propoxyphene Compound 65 capsules, a Schedule IV controlled substance.

t. Shortages of 2154 ounces of Robitussin AC syrup, a Schedule V controlled substance.

u. Shortages of 10,583 Talwin 50mg tablets, a Schedule IV controlled substance.

v. Shortages of 5970 Talwin NX 50mg tablets, a Schedule IV controlled substance.

w. Shortages of 776 ounces of Elixir Terpin Hydrate with Codeine, a Schedule V controlled substance.

x. Shortages of 138 ounces of Tussar-2, a Schedule V controlled substance.

y. Shortages of 2266 ounces of Tussionex Suspension, a Schedule III controlled substance.

8. That Respondent has signed statements admitting to the delivery of Schedule III, IV and V controlled substances to numerous persons without legal authority to do so and for no legitimate medical purpose.

9. That sales receipts on file in Martin's Drug indicate that the drugs listed in paragraph (7) were sold without prescription order on approximately 530 different occasions during the period June 3, 1980, through March 19, 1984.

10. That Respondent is guilty of violations of Iowa Code Sections 155.13(3) and (8), 155.20, 155.30, 204.306, 204.308(4) and 204.401(1) "a," "b," "c" and "d" and Board Rules 8.11 and 8.13(15) by virtue of the sales alleged in paragraphs (7), (8) and (9).

Section 155.13(3) and (8) reads as follows:

"...The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or

revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:...

3. Distributing on the premises of...drugs for any other than lawful purposes.
8. Violations of the provisions of this chapter."

Section 155.20 reads as follows:

"...nor shall any person licensed under this chapter sell or dispense any prescription drug to any person other than a licensed pharmacy or physician without prescription."

Section 155.30 reads as follows:

"...any person who violates a provision of Section 155.29 or who sells, gives away or administers to another person any prescription drug shall be guilty of a public offense...."

Section 204.306 reads as follows:

"Records of registrants. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and with such additional rules as may be issued by the board...."

Federal regulations in this regard can be found in Code of Federal Regulations (CFR) Title 21. Pertinent parts of those regulations are 1304.03, 1304.04 and 1304.11.

Part 1304.03 reads, in part, as follows:

"Persons required to keep records and file reports.

(a) Each registrant shall maintain the records and inventories and shall file the reports required by this part, except as exempted by this section...."

Part 1304.04 reads, in part, as follows:

"Maintenance of records and inventories.

(a) Every inventory and other records required to be kept under this Part shall be kept by the registrant and be available, for at least 2 years from the date of such inventory or records, for inspection and copying by authorized employees of the Administration...."

Part 1304.11 reads, in part, as follows:

"General requirements for inventories.

(a) Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken...."

Section 204.308(4) reads as follows:

"A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose."

Section 204.401(1)"a," "b," "c" and "d" read as follows:

"...It is unlawful for any person to...deliver...a controlled substance...any person who violates this subsection with respect to...(a) a substance classified in...schedule...II which is a narcotic

drug, is guilty of a Class "C" felony...(b) any other controlled substances classified in schedule...III is guilty of a Class "D" felony...(c) a substance classified in schedule IV is guilty of a serious misdemeanor...(d) a substance classified in schedule V, is guilty of a simple misdemeanor...."

Board rule §620--8.11 reads, in part, as follows:

"8.11(204) Manner of issuance of prescriptions. All prescriptions for controlled substances shall be dated as of, and manually signed on, the day when issued and shall bear the full name and address and registration number of the practitioner. A practitioner must manually sign a prescription in the same manner as he would sign a check or legal document. Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by those regulations...."

Board rule §620--8.13(15) reads as follows:

"8.13(15) Dispensing without prescription. A controlled substance listed in Schedule V...may be dispensed by a pharmacist without a prescription to a purchaser at retail, provided that:

- a. Such dispensing is made only by a pharmacist and not by a non-pharmacist employee even if under the direct supervision of a pharmacist except as specifically provided by other rules of the board.
- b. Not more than 120cc. (4 ounces) of any such controlled substance may be distributed at retail to the same purchaser in any given forty-eight-hour period.
- c. The purchaser is at least eighteen years of age.
- d. The pharmacist requires every purchaser of a controlled substance under this rule not known to him to furnish suitable identification (including proof of age where appropriate).
- e. A bound record book for dispensing of controlled substances (other than by prescription) is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase and the name or initials of the pharmacist who dispensed the substance to the purchaser.
- f. A prescription is not required for distribution or dispensing of the substance pursuant to any other federal, state or local law.

This rule is intended to implement section 204.308, The Code."

11. That Respondent is guilty of a violation of Rule §620--10.1(4)"h," "j" and "u."

Rule 10.1(4) reads as follows:

"10.1(4) The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

- h. Distribution of intoxicating liquors or drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of the Code.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

u. Violating any of the grounds for revocation or suspension of a license listed in section...155.13 of the Code."

12. That the sales of controlled substances detailed in paragraphs (7), (8) and (9) constitute a violation of Iowa Code Section 155.20.

13. That paragraphs (10) and (11) constitute grounds for which Respondent's license to practice pharmacy in the state of Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that John M. Allerton has violated Section 155.13(3); 155.13(8); 155.20; 204.306; 204.308(4); and 204.401(1) "a," "b," "c" and "d" of the Code of Iowa, and Rule 620--10.1(4) "h," "j" and "u" of the Iowa Administrative Code,

IT IS HEREBY ORDERED that John M. Allerton appear before the Iowa Board of Pharmacy Examiners on July 10, 1984, at 10:00 a.m. in the State Board Conference Room, Second Floor, Grimes State Office Building, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing, the board enter its Findings of Fact and decision to suspend or revoke the license to practice pharmacy issued to John M. Allerton on the 5th day of January 1965, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS

Norman C. Johnson, Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint :
and Statement of Charges Against : COMPLAINT AND
JOHN M. ALLERTON, Pharmacist : STATEMENT OF CHARGES
Respondent :

COMES NOW, Norman C. Johnson, executive secretary of the Iowa Board of Pharmacy Examiners on the 14th day of June, 1984, and files this Complaint and Statement of Charges against John M. Allerton, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges:

1. That John F. Rode, chairperson; Margo L. Underwood, vice chairperson; Rollin C. Bridge; Jerry M. Hartleip; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.
2. That Respondent is a resident of Council Bluffs, Iowa, and was issued license number 13078 to practice pharmacy in the State of Iowa on January 5, 1965.
3. That Respondent's license to practice pharmacy is current until June 30, 1984.
4. That Respondent is the owner of Martin's Drug, 700 1st Avenue, Council Bluffs, Iowa, license #604.
5. That an audit of the records of Martin's Drug was conducted between March 5, 1984, and March 28, 1984, by Morrell Spencer and Charles Vandenburg, who are duly authorized agents of the Board.
6. That the audit covered the period of October 1, 1982, to March 19, 1984.
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drug, is guilty of a Class "C" felony...(b) any other controlled substances classified in schedule...III is guilty of a Class "D" felony...(c) a substance classified in schedule IV is guilty of a serious misdemeanor...(d) a substance classified in schedule V, is guilty of a simple misdemeanor...."

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- a. Such dispensing is made only by a pharmacist and not by a non-pharmacist employee even if under the direct supervision of a pharmacist except as specifically provided by other rules of the board.
- b. Not more than 120cc. (4 ounces) of any such controlled substance may be distributed at retail to the same purchaser in any given forty-eight-hour period.
- c. The purchaser is at least eighteen years of age.
- d. The pharmacist requires every purchaser of a controlled substance under this rule not known to him to furnish suitable identification (including proof of age where appropriate).
- e. A bound record book for dispensing of controlled substances (other than by prescription) is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase and the name or initials of the pharmacist who dispensed the substance to the purchaser.
- f. A prescription is not required for distribution or dispensing of the substance pursuant to any other federal, state or local law.

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11. That Respondent is guilty of a violation of Rule §620--10.1(4)"h," "j" and "u."

Rule 10.1(4) reads as follows:

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- h. Distribution of intoxicating liquors or drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of the Code.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

u. Violating any of the grounds for revocation or suspension of a license listed in section...155.13 of the Code."

12. That the sales of controlled substances detailed in paragraphs (7), (8) and (9) constitute a violation of Iowa Code Section 155.20.

13. That paragraphs (10) and (11) constitute grounds for which Respondent's license to practice pharmacy in the state of Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that John M. Allerton has violated Section 155.13(3); 155.13(8); 155.20; 204.306; 204.308(4); and 204.401(1) "a," "b," "c" and "d" of the Code of Iowa, and Rule 620--10.1(4) "h," "j" and "u" of the Iowa Administrative Code,

IT IS HEREBY ORDERED that John M. Allerton appear before the Iowa Board of Pharmacy Examiners on July 10, 1984, at 10:00 a.m. in the State Board Conference Room, Second Floor, Grimes State Office Building, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing, the board enter its Findings of Fact and decision to suspend or revoke the license to practice pharmacy issued to John M. Allerton on the 5th day of January 1965, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS

Norman C. Johnson, Executive Secretary

BEFORE THE
IOWA BOARD OF PHARMACY EXAMINERS

In the Matter of the Complaint :
& Statement of Charges Against :
JOHN M. ALLERTON, :
Pharmacist/Respondent :
: DECISION AND ORDER
:

To: John M. Allerton

A Complaint and Statement of Charges was filed by the Executive Secretary of the Iowa Board of Pharmacy Examiners on June 14, 1984, alleging that:

1. An audit of the records of Mr. Allerton's pharmacy conducted between March 5, 1984, and March 28, 1984, revealed shortages of numerous Schedule III, IV and V drugs, which were listed in the Complaint.
2. Mr. Allerton had signed statements admitting to the delivery of Schedule III, IV and V controlled substances to numerous persons without legal authority to do so and for no legitimate medical purpose.
3. There were sales receipts on file at Martin's Drug (Mr. Allerton's pharmacy) which indicated that the drugs listed were sold without prescription on approximately 530 different occasions from June 3, 1980 to March 19, 1984.
4. By virtue of the alleged sales, Mr. Allerton was guilty of violations of Iowa Code Sections 155.13(3) and (8), 155.20, 155.30, 204.306, 204.308(4), and 204.401(1)a, b, c, and d; and was guilty of violations of Board Rules §620--8.11, 8.13(15), 10.1(4)h, j, and u, I.A.C.

A hearing on the above Complaint and Statement of Charges was held on March 12, 1985, at 9:30 a.m. in the State Board Conference Room, Grimes State Office Building, Des Moines, Iowa 50319. Present were the Board and its counsel, Thomas D. McGrane, Assistant Attorney General. The respondent, John M. Allerton, was present and was represented by his attorney Joseph F. McGinn. Also present was Mrs. Allerton, who testified on her husband's behalf. Also present were members of the staff of the Board, Board investigators Morrell Spencer and Charles Vandenburg, and a court reporter. The undersigned, Administrative Hearing Officer for the State of Iowa, presided. At the request of Mr. Allerton, the hearing was ordered closed to the public pursuant to Iowa Code Section 258A.6 (1983).

After hearing the testimony and examining the exhibits, the Board convened in closed session pursuant to Iowa Code Section 28A.5(1)(f)(1983) to deliberate. The administrative hearing officer was instructed to prepare the Board's Decision and Order.

THE RECORD

The evidentiary record in this case includes the Complaint and Statement of Charges, the recorded testimony of witnesses, and the following exhibits:

- Board Exhibit 1. Emergency Order: License Suspension dated March 23, 1984.
- Board Exhibit 2. Letter dated June 14, 1984, from Norman Johnson to Joseph McGinn and attached Complaint and Statement of Charges.
- Board Exhibit 3. Letter dated June 29, 1984, from Norman Johnson to Joseph McGinn and attached letter dated January 3, 1985, from Norman Johnson to Joseph McGinn.

- Board Exhibit 4. Trial Information, Pottawattamie County No. 19649, State of Iowa vs. John M. Allerton and attached certified copy of the Criminal Calendar, Pottawattamie County No. 19649 showing plea bargain and sentencing.
- Board Exhibit 5. Investigative Report dated April 5, 1984.
- Board Exhibit 6. Letter dated March 8, 1984, from John Allerton to "To Whom it May Concern," with attached statement dated March 8, 1984, signed by John Allerton to the Iowa Board of Pharmacy Examiners.
- Board Exhibit 7. Computation table dated March 7, 1984.
- Board Exhibit 8. Note dated March 7, 1984, regarding Debra Larsen.
- Board Exhibit 9. Transcript of a recorded statement taken from John Allerton on March 22, 1984, by Sergeant T. E. Vogel, Council Bluffs Police Department, Board Investigator Vandenburg, and Board Investigator Spencer.
- Board Exhibit 10. List of drugs sold by John Allerton.
- Board Exhibit 11. Computation table dated March 21, 1984.
- Board Exhibit 12. Memorandum (Order) dated March 8, 1984, to John Allerton from Morrell Spencer.
- Allerton Exhibit A. Letter dated March 11, 1985, from Keith Roemen to the Iowa Board of Pharmacy Examiners.

FINDINGS OF FACT

1. The Respondent, John Allerton, was a practicing pharmacist licensed under the State of Iowa and issued pharmacist's license number 13078. (Testimony of John Allerton, official file.)
2. Mr. Allerton is the owner of Martin's Drug, 700 1st Avenue, Council Bluffs, Iowa, issued license number 604. (Official file, testimony of Mr. Allerton.)
3. An audit of Martin's Drug was conducted by Board Investigators Morrell Spencer and Charles Vandenburg between March 5, 1984, and March 28, 1984. (Exhibit 5, testimony of Investigator Spencer.)
4. A limited audit of controlled substance accountability was conducted for the period of time between October 1, 1983, and March 5, 1984, which revealed shortages of drugs listed in Board Exhibit 7. (Exhibits 5 and 7.)
5. A more extensive audit covering the period of time from October 1, 1982, through March 19, 1984, revealed substantial shortages of numerous Schedule III, IV, and V drugs. (Exhibits 5 and 11.)
6. Mr. Allerton has admitted in oral, written, and recorded statements that he illegally sold these drugs for profit by either (a) selling them with no prescription; (b) refilling a legitimate prescription more often than allowed by the prescription; (c) filling an expired prescription; or (d) filling a larger quantity than was called for by the prescription. (Testimony of Mr. Allerton, Exhibits 5, 6 and 9.)
7. On March 23, 1984, the Board of Pharmacy Examiners, in an Emergency Order, temporarily suspended Mr. Allerton's license to practice pharmacy. (Exhibit 1.)
8. Criminal charges were filed against Mr. Allerton in Pottawattamie County, and as a result of a plea bargain, Mr. Allerton received a deferred judgment, was placed on probation for one year, and his license to practice pharmacy was suspended for one year in an order dated December 17, 1984, and signed by Judge Leo Connolly. (Exhibit 4, Testimony of Mr. Allerton.)

9. Mr. Allerton and his counsel stipulated to the admission of the exhibits and agreed that they fairly represent what Mr. Allerton has done. (Statement by Mr. McGinn at the hearing.)
10. Mr. Allerton completed a 30-day inpatient treatment for alcoholism in April 1984, and continues to be involved in Alcoholics Anonymous. (Testimony of Mr. Allerton, Allerton Exhibit A.)
11. Mr. Allerton's probation and period of license suspension run concurrently and will be over on December 16, 1985. (Testimony of Mr. Allerton, Exhibit 4.)
12. Mr. Allerton felt threatened by some of the people who illegally purchased drugs from him. (Testimony of Mr. Allerton.)
13. If he is allowed to practice pharmacy, Mr. Allerton would look for employment in the Council Bluffs area. (Testimony of Mr. Allerton.)

CONCLUSIONS OF LAW, DECISION AND ORDER

Substantial evidence was presented to support paragraphs 1 through 13 of the Complaint and Statement of Charges, and which showed violations of Iowa Code Sections 155.13(3) and (8), 155.20, 204.306, 204.308(4), 204.401(1)a, b, c, and d, and Iowa Administrative Code Sections 620--10.1(4)h, j, and u. Mr. Allerton is therefore found to have violated the above Code sections and rules.

The Board is not convinced that the public health would not be endangered if Mr. Allerton were allowed to begin practicing pharmacy again after December 16, 1985.

It is therefore the ORDER of the Iowa Board of Pharmacy Examiners that the license to practice pharmacy issued to John M. Allerton, license number 13078, is hereby revoked effective immediately. Due to the gravity of the offenses committed, the types of drugs and the amounts of drugs illegally sold, it is the further ORDER of the Iowa Board of Pharmacy Examiners that Mr. Allerton may not request reinstatement of his license for a period of five years beginning immediately.

It is the further ORDER of the Board that Mr. Allerton surrender license number 13078 to the Board immediately.

This Decision and Order was prepared by me at the direction of the Iowa Board of Pharmacy Examiners on the 19th day of March, 1985.


Amy Christensen Couch
Administrative Hearing Officer