

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

| | | |
|----------------------------|---|--------------------------|
| Re: Pharmacist License of | } | COMPLAINT |
| SCOTT W. BAINBRIDGE | } | AND |
| License No. 16549 | } | STATEMENT |
| Respondent | } | OF CHARGES |
| | } | AND |
| | } | NOTICE OF HEARING |

COMES NOW, Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 4th day of June, 1991, and files this Complaint and Statement of Charges against Scott W. Bainbridge, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on January 23, 1985, by reciprocity.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1992.

4. Respondent was issued a license to practice pharmacy in the following other states: California (license number 38811), Florida (license number PS 21952), Nevada (license number 9381), and North Dakota (license number 4128).

5. Respondent currently resides at Box 381, Kingsley, Iowa 51028.

6. Respondent is currently employed as a pharmacist at Phar-Mor #213 located at 4271 Sergeant Road in Sioux City, Iowa 51106.

7. Respondent's license to practice pharmacy in Florida (license number PS 21952) was subjected to the following disciplinary action by the Florida Department of Professional Regulation, Board of Pharmacy:

a. On December 4, 1986, the Florida Board of Pharmacy filed an Administrative Complaint (Case Nos. 0070007, 0072660, and 0072922) against Respondent setting forth eight counts alleging incidents of violation of Florida pharmacy law. A copy of the Florida Administrative Complaint is attached hereto as Exhibit 1 and is incorporated by reference into this

Complaint and Statement of Charges as if fully set forth herein.

b. Respondent and the Florida Board of Pharmacy executed a Stipulation in which Respondent admitted that in four (4) separate incidents, he had violated Florida pharmacy law. In the Stipulation Respondent agreed to a voluntary relinquishment of his license to practice pharmacy in Florida for not less than two years and was fined \$1,000. A copy of the Stipulation (Case Nos. 0070007, 0072660, and 0072922) is attached hereto as Exhibit 2 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

c. On November 30, 1987, the Florida Board of Pharmacy filed a Final Order approving and giving effect to the Stipulation. A copy of the Final Order (Case Nos. 0070007, 0072660, and 0072922) is attached hereto as Exhibit 3 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

8. Respondent's license to practice pharmacy in Nevada (license number 9381) was subjected to the following disciplinary action by the Nevada State Board of Pharmacy:

a. On February 21, 1989, the Nevada State Board of Pharmacy filed an Accusation (Case No. 8807009RPH) against Respondent setting forth the disciplinary action taken by the Florida Board of Pharmacy. A copy of the Nevada Accusation is attached hereto as Exhibit 4 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

b. On March 23, 1989, the Nevada State Board of Pharmacy revoked Respondent's license to practice pharmacy in Nevada. A copy of the Finding of Fact, Conclusions of Law, and Order (Case No. 8807009RPH) is attached hereto as Exhibit 5 and is incorporated by reference into this complaint and statement of charges as if fully set forth herein.

9. Respondent's license to practice pharmacy in California (license number 38811) was subjected to the following disciplinary action by the California Department of Consumer Affairs, State Board of Pharmacy:

a. On April 26, 1989, the California State Board of Pharmacy filed an Accusation (Case No. 1445) against Respondent setting forth the disciplinary action taken by the Florida Board of Pharmacy. In addition, the California Accusation alleged that "on or about June 1, 1988, respondent while employed at Walgreens, obtained

the drug Dilaudid from his employer and self administered said drug while on duty." A copy of the California Accusation is attached hereto as Exhibit 6 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

b. On or about December 1, 1989, the California State Board of Pharmacy revoked Respondent's license to practice pharmacy in California.

10. The Board has also received information originating from Maureen F. Whitmore, Director of the Impaired Pharmacist Program for the State of California. Ms. Whitmore has indicated the following:

a. Respondent initially contacted the California Impaired Pharmacist Program on June 9, 1988. At that time he was assessed for participation in the Impaired Pharmacist Program. It was Ms. Whitmore's recommendation that Respondent be admitted to long term, residential treatment for chemical dependency. Respondent did not follow that recommendation until after he was arrested for drunk driving on July 3, 1988, in Ventura County, California. Respondent was then admitted to a residential treatment center in Dulzura, California, where he remained in treatment until mid-October 1988. He was then referred to a recovery home in the San Diego area and later transferred to Bethesda Recovery House on November 7, 1988.

b. On December 8, 1988, Respondent signed an "Impaired Pharmacist Program Treatment Contract" with the California State Board of Pharmacy Impaired Pharmacist Program as administered by Occupational Health Services Corporation. A copy of the California "Impaired Pharmacist Program Treatment Contract" is attached hereto as Exhibit 7 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

c. In a letter to the Nevada State Board of Pharmacy dated April 20, 1989, Ms. Whitmore reported the following: "I regret to inform you that Scott [Respondent] has relapsed and has left the state, returning to his home state of Iowa. I have closed his case for non-compliance."

11. In an Iowa Pharmacist Renewal Application Questionnaire dated and signed by Respondent on June 20, 1990, Respondent admitted to having "an on-going chemical dependency problem."

12. The Board has also received information dated March 13, 1991, from Lisa Schlueter, Chairperson of the Pharmacists Aiding Pharmacists in Iowa (PAP'I) Program, which indicates that Respondent had contacted the PAP'I program in 1989 but may no longer be actively participating in PAP'I.

13. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) by virtue of the information and allegations contained in paragraphs 7, 8, and 9.

Iowa Code section 155A.12 provides, in part, the following:

...The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

14. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(d)(2), 9.1(4)(m), and 9.1(4)(u) by virtue of the information in paragraphs 7, 8, 9, 10, and 11.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2)...when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:...

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

...

m. Inability to practice pharmacy with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

...
u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 13 and 14 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) and 657 Iowa Administrative Code sections 9.1(4)(d)(2), 9.1(4)(m), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Scott W. Bainbridge appear before the Iowa Board of Pharmacy Examiners on Tuesday, July 16, 1991, at 2:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, 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 Scott W. Bainbridge on January 23, 1985, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS


Lloyd K. Jessen
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

| | | |
|---------------------------|---|---------------------|
| RE: Pharmacist License of |) | |
| |) | |
| SCOTT W. BAINBRIDGE |) | |
| License No. 16549 |) | DIA NO. 91PHB-2 |
| |) | |
| Respondent |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| |) | DECISION AND ORDER |

To: Scott W. Bainbridge:

A Complaint and Statement of Charges was filed by Lloyd K. Jessen, executive secretary of the Iowa Board of Pharmacy Examiners, (the board), on the 4th day of June, 1991. The complaint alleged that the Respondent's license to practice pharmacy in other states had been subject to disciplinary action, and that the Respondent had an ongoing chemical dependency problem. The complaint further alleged that, therefore, the Respondent had violated pharmacy-related statutes and rules. The complaint set the hearing for July 16, 1991.

The hearing for this case was held on July 16, 1991, beginning at 2:10 p.m. in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa. Present were the following members of the Board: Melba Scaglione, Chair; Alan Shepley, Vice-Chair; Rollin Bridge; Donna Flower; Phyllis Olson; Marian Roberts; and Arlen Van Norman. Assistant Attorney General Lynette Donner appeared on behalf of the State. The Respondent, Scott W. Bainbridge, was present and was not represented by an attorney. Present also were members of the staff of the board, a witness for Mr. Bainbridge, Mrs. Bainbridge, and a court reporter. Amy Christensen Couch, administrative law judge from the Iowa Department of Inspections and Appeals, presided. The hearing was closed to the public pursuant to Iowa Code section 258A.6(1)(1991). After hearing the testimony and examining the exhibits, the board convened in closed session pursuant to Iowa Code section 21.5(1)(f)(1991) to deliberate. The undersigned administrative law judge was instructed to prepare this board's Decision and Order.

The evidentiary record in this case includes the Complaint and Statement of Charges and Notice of Hearing, the recorded testimony of the witnesses, State's exhibits 1, 2, 3, 4, 5, 6, and 7 which are attached to the Complaint and Statement of Charges, State's exhibits 3a, 6a, 8, and 9; and Respondent's exhibits A through L.

FINDINGS OF FACT

1. The Respondent, Scott W. Bainbridge, was issued license to practice pharmacy in Iowa number 16549 on January 23, 1985. (testimony of Mr. Jessen).
2. In 1985 and 1986, Mr. Bainbridge abused chemicals to the point that he was unable to function professionally as a pharmacist in Iowa. (testimony of Mr. Spencer).
3. On November 30, 1987, the Florida Board of Pharmacy entered a Final Order reflecting a Stipulation in which the Respondent voluntarily relinquished his Florida license for not less than two years, and agreed to certain terms and conditions before his license could be reinstated. The Florida allegations which were the subject of the disciplinary action concerned various violations regarding controlled substances. While in Florida, the Respondent abused certain controlled substances so that at times he was unable to practice pharmacy with reasonable skill and safety. (testimony of Mr. Bainbridge, State's exhibits 1 through 3a, 9).
4. On March 23, 1989, the Nevada State Board of Pharmacy revoked Mr. Bainbridge's Nevada license to practice pharmacy on the basis of the disciplinary action which had occurred in Florida. (testimony of Mr. Bainbridge, State's exhibits 4, 5, 9).
5. On December 1, 1989, the Board of Pharmacy for the State of California revoked Mr. Bainbridge's California license to practice pharmacy. This action was based on the disciplinary action taken by the state of Florida, and that the Respondent had obtained the drug Dilaudid from his employer and self-administered the drug while on duty as a pharmacist. (State's exhibits 6, 6a, 8, and 9).
6. Mr. Bainbridge reported the disciplinary action taken by the other states to Mr. Norman Johnson of the Iowa Board of Pharmacy Examiners. (testimony of Mr. Bainbridge).
7. From July 1988 through October 1988, the Respondent entered inpatient treatment for chemical dependency. After completing inpatient treatment, he resided in two recovery houses from 1988 through April 1989. While in the second recovery house, Mr. Bainbridge participated in the California impaired pharmacist treatment program and worked as a pharmacist. (testimony of Mr. Bainbridge, Mr. Jessen, State's exhibit 7, Respondent's exhibits A, B, C, D, F, G, H, J,).
8. While in California, Mr. Bainbridge decided to return home to Iowa to be closer to his family. Mr. Bainbridge contacted both Norman Johnson of the Iowa Board of Pharmacy Examiners and Katheryn Russi,

chair of Pharmacists Aiding Pharmacists in Iowa (PAPI), regarding his decision to return to Iowa. As a result of Mr. Bainbridge's decision to return to Iowa, the California board revoked his California license because they could not supervise him on a long distance basis. (testimony of Mr. Bainbridge, Mr. Jessen, Respondent's exhibits D, E, G, H, J).

9. Upon his return to Iowa, Mr. Bainbridge attended aftercare in Sioux City through St. Luke's Hospital for approximately three months. Mr. Bainbridge has attended AA/NA meetings throughout the period of his recovery. He continues to attend AA meetings on an approximately twice a month basis. He attends meetings more often when he feels that he needs them. Mr. Bainbridge also participated in the PAPI program upon his return to Iowa. He also has seen a therapist since his return to Iowa. Mr. Bainbridge has a sponsor and checks in with his sponsor on a regular basis. He has remained sober and has not abused controlled substances since July of 1988. Mr. Bainbridge has recognized the seriousness of his chemical dependency, and is committed to his own recovery. (testimony of Mr. Bainbridge, Respondent's exhibits A, B, C, D, G, H, I, J).
10. Mr. Bainbridge began working as a pharmacist at the James Drug Store in Sioux City, Iowa, in May of 1988. He worked for James Drug Store from May 1988 through March 1989. Mr. Bainbridge was very open to his employer regarding his chemical dependency. His employer stated in a letter to the board that Mr. Bainbridge did an excellent job as a pharmacist, and he had no knowledge or suspicion that Mr. Bainbridge was using any chemicals. (testimony of Mr. Bainbridge, Respondent's exhibit K).
11. Mr. Bainbridge left the James Drug Store for employment at a Phar-Mor Drug Store in Sioux City. Upon his employment at Phar-Mor, Mr. Bainbridge notified his prospective employer regarding his chemical dependency. He insisted that his employer sign a contract with him which provided that Mr. Bainbridge would submit to urine screens upon the request of the employer. Mr. Bainbridge is currently employed as a full-time staff pharmacist at Phar-Mor and works approximately 42 hours per week. Mr. Bainbridge's employer thinks very highly of him, and has never noticed any chemical abuse problem while he has been employed with Phar-Mor. (testimony of Mr. Bainbridge, Don Gillett, Mr. Spencer, Respondent's exhibits H and L).
12. The Phar-Mor corporation has a stress management assessment program. The corporation has the ability to assess the volume of sales in a store, and the need for additional staff. Part of Mr. Gillett's

- job is to make sure that his professional pharmacists are not under too much stress. (testimony of Mr. Gillett).
13. Paragraph 12 contained in the Complaint and Statement of Charges and Notice of Hearing is incorrect. (testimony of Mr. Bainbridge, Respondent's exhibits D, G, J).
 14. Mr. Bainbridge is to be commended for his work in recovery, and for his openness with the board and with his employers regarding his chemical dependency. The evidence at the hearing was overwhelming that Mr. Bainbridge is functioning very well in his employment and in his personal life. (testimony of Mr. Bainbridge, Mr. Gillett, Respondent's exhibits A through L).

CONCLUSIONS OF LAW

1. Iowa Code section 155A.12 (1991) provides in part the following:

The board may...impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

...

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

...

10. Had a license to practice pharmacy issued by another state cancelled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9.

The Respondent has violated these Code sections. His license to practice has been revoked or voluntarily relinquished in several other states. He has violated laws of other states while under the other states' jurisdiction. He has violated provisions of Chapter 155A and rules of the board. He is therefore guilty of violating Iowa Code sections 155A.12(1), (8), and (10) (1991). However, his violations occurred prior to December 1989. Mr. Bainbridge reported the other states' disciplinary actions to Mr. Johnson, the board's past executive secretary. Mr. Bainbridge has admitted his chemical dependency, has gone through inpatient treatment, has lived in a halfway house, has attended an aftercare program, has attended AA and continues to attend AA, continues to have a sponsor, has

participated in the California and Iowa impaired pharmacist programs, has participated and continues to participate in counseling, has been chemical free since July of 1988, and has been successfully employed since 1988. Therefore, although the Respondent is guilty of a violation of these Code sections, his substantial progress in recovery is a significant mitigating factor.

2. 657 Iowa Administrative Code section 9.1(4) provides in part the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

...

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

...

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

...

(m) Inability to practice pharmacy with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

...

(u) Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12, and 155A.15.

The Respondent is guilty of a violation of 657 Iowa Administrative Code section 9.1(4)(d) in that he has a continuing addiction to the use of drugs. He is actively involved in recovery from his chemical dependency. In the past, his excessive use of drugs impaired his ability to practice pharmacy with reasonable skill and safety. He therefore has violated 657 Iowa Administrative Code section 9.1(4)(m). The Respondent's license has been revoked or had other disciplinary action taken against it in states other than Iowa, and he has had a serious chemical dependency problem. Therefore, he is guilty of violating 657 Iowa Administrative Code section 9.1(4)(u). Again, however, the Respondent's violations occurred due to his chemical dependency, for which he is currently in active recovery. He has not abused controlled substances since July 1988. Therefore, there is a limited risk to the public in allowing the Respondent to actively continue to practice. The only activities which are required for protection of the public are that the Respondent continue in his recovery program.

3. 657 Iowa Administrative Code section 9.1 provides that the Iowa Board of Pharmacy Examiners has the authority to impose discipline for the above violations of the Iowa Code and the board rules. The board has the authority to impose a period of probation with appropriate conditions.
4. 657 Iowa Administrative Code section 9.1(3) provides that the board may consider several factors in determining the nature and severity of the disciplinary sanctions to be imposed. These factors include the seriousness of the violation as it relates to assuring the citizens of Iowa a high standard of professional care, the facts of the particular violation, any extenuating circumstances or other countervailing considerations, whether remedial action has been taken, and any other factors which reflect on the competency, ethical standards and professional conduct of the Respondent.

DECISION AND ORDER

The Respondent violated several provisions of the Iowa Code and rules relating to the practice of pharmacy. Those violations were due to his chemical dependency. The Respondent has been and continues to be an active participant in his own recovery. The Respondent has been very successful in his employment for the past several years. He continues to attend AA meetings, receive counseling, and check in regularly with his sponsor. He has already attended inpatient treatment and lived in a half-way house, and has participated in the impaired pharmacists PAPI program in Iowa. At all times, the Respondent has been open and honest with the board and with his employers regarding his chemical dependency. He has been willing and has remained willing to submit to urine testing if requested. He has not abused any chemicals since July 1988. Therefore, the protection of the public requires only that he continue to participate in his own recovery program, and does not require any period of suspension or revocation. The Respondent is to be commended for the hard work he has done in his own recovery.

It is therefore the ORDER of the Iowa Board of Pharmacy Examiners that license number 16549 issued to Scott W. Bainbridge is hereby placed on probation for a period of two years from the date of the issuance of this Decision under the following terms and conditions:

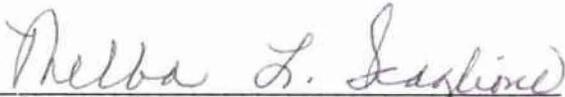
1. The Respondent must attend AA at least twice per month.
2. The Respondent must submit to random biological fluid testing by a board member or the board's designee at the Respondent's expense. The timing of the testing will be determined by the board.

3. The Respondent must meet at least quarterly with counselor Joseph Parrinello and must cause Mr. Parrinello to submit quarterly reports regarding his progress to the board.
4. The Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
5. The Respondent shall report to the board or its designee quarterly. In the reports, the Respondent must submit proof of attendance at AA meetings, and that he continues to have a sponsor. He must state where he is employed, the number of hours he is working per week, and where he resides. He must report to the board how he is doing in his recovery. Said report shall be either in person or in writing, as directed. Should the final probation report not be made as directed, the period of probation shall be extended until such time as the final report is made.
6. The Respondent must cause his sponsor to submit a quarterly report to the board verifying Respondent's attendance in AA and discussing his progress in recovery. This quarterly report may be submitted on the initials only of the sponsor.
7. The Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.
8. The Respondent shall notify all new and prospective employers of the decision in this case and the terms, conditions and restrictions imposed on Respondent by this decision. Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his employer to report to the board in writing acknowledging the employer has read this decision.
9. The Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.
10. Should the Respondent leave Iowa to reside or practice outside this state, Respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
11. If a petition to revoke probation is filed against the Respondent during probation, the board shall have

continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12. Upon successful completion of probation, the Respondent's license will be fully restored.

Dated this *27* day of July, 1991.



Melba L. Scaglione, Chairperson
Iowa Board of Pharmacy Examiners



Amy Christensen Couch, Administrative Law Judge
Iowa Department of Inspections and Appeals

ACC:jh

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

| | | |
|----------------------------|---|-----------------------------|
| Re: |) | Case No. 2003-14 |
| Pharmacist License of |) | |
| SCOTT W. BAINBRIDGE |) | STATEMENT OF CHARGES |
| License No. 16549 |) | |
| Respondent |) | |

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2003).
3. On January 23, 1985, the Board issued Respondent, Scott W. Bainbridge, by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 2003-14, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2004.
5. Respondent's current address is 206 Rutland Street, Kingsley, Iowa 51028.
6. Respondent is currently employed as a pharmacist at Hartley Pharmacy, Hartley, Iowa, and has been employed as such during all times relevant to this statement of charges.

COUNT I – UNLAWFUL POSSESSION OF DRUGS

The Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code § 155A.21 (2003) and 657 Iowa Administrative Code §§ 36.1(4)(h), (j) and (u).

COUNT II – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code §§ 147.55(4) and 155A.12(1) (2003), and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j) and 36.1(4)(m).

COUNT III – LACK OF PROFESSIONAL COMPETENCY

The Respondent is charged under Iowa Code §§ 147.55(4) and 155A.12 (2003), and 657 Iowa Administrative Code §§ 36.1(4)(b) and 36.1(4)(m), with a lack of professional competency, arising from both an addiction to the use of drugs and an inability to discharge the professional obligations of a pharmacist's practice due to mental and physical impairment.

THE CIRCUMSTANCES

On or about February 18, 2003, an investigation of Respondent was commenced, which revealed the following:

1. During August of 2002, in a drug screen required by Respondent's then-employer Wal-mart, Respondent tested positive for use of Nordiazepam, Oxazepam, codeine, hydrocodone and morphine.
2. Respondent admits obtaining hydrocodone from a pharmacy in Merville, Iowa, on or about August 24, 2002, without a valid prescription. He further admits the purpose of obtaining the hydrocodone was to "explain" the presence of hydrocodone in his blood at the time of the Wal-mart drug screening.
3. During December of 2002, a shortage of controlled substances (Adderall and hydrocodone) was discovered at the Hartley, Iowa, pharmacy where Respondent was employed.
4. At Respondent's request, Respondent's psychiatrist called the Board of Pharmacy Examiners in February of 2003 and reported his impression that Respondent was suffering from, among other things, bi-polar disorder, memory loss, depression, panic disorder, attention deficit disorder, and severe sleep deprivation.
5. On March 21, 2003, Respondent was admitted to an intensive care facility in Sioux City, Iowa, after an Iowa Highway Patrol office found him driving erratically and unable to respond to questions. Upon hospitalization, Respondent was incoherent and suffering acute delirium. Respondent was alleged to be "seriously mentally impaired" and "a danger to himself and others" in documents which supported the request for a court order committing Respondent to treatment.
6. Subsequently, Respondent has been treated at Mercy Hospital in Iowa City, Iowa, for "partial complex seizures" (on or about April 8, 2003) and again at Mercy Medical Center – Sioux City (on or about April 16, 2003) for bizarre behavior.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.



Lloyd K. Jessen
Executive Secretary/Director

On this 23rd day of April 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Bainbridge 34n

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

| | | |
|----------------------------|---|------------------------|
| Re: |) | Case No. 2003-14 |
| Pharmacist License of |) | |
| SCOTT W. BAINBRIDGE |) | EMERGENCY ORDER |
| License No. 16549 |) | |
| Respondent |) | |

I. JURISDICTION

The Iowa Board of Pharmacy Examiners (hereinafter, "Board") has jurisdiction over pharmacy licensees pursuant to Iowa Code Chapters 155A and 272C (2003). Respondent Scott W. Bainbridge possesses pharmacist license number 16549 issued by the Board. A Statement of Charges was filed against Respondent on April 23, 2003. After receipt and review of the Statement of Charges, and careful review of evidence relating to the Statement of Charges, the Board has adopted the following Findings of Fact and Conclusions of Law and Emergency Order.

II. FINDINGS OF FACT

1. On January 23, 1985, the Board issued Respondent a license to engage in the practice of pharmacy as evidenced by license number 16549, subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent has most recently been employed as a pharmacist at Hartley Pharmacy, Hartley, Iowa.
3. On February 23, 2003, the board commenced an investigation of Respondent which revealed the following, which the Board hereby finds:

- a. On or about August 24, 2002, , in a drug screen conducted by Respondent's then-employer Wal-mart, Respondent tested positive for use of Nordiazepam, Oxazepam, codeine, hydrocodone and morphine.
 - b. Respondent admitted obtaining hydrocodone from a pharmacy in Merville, Iowa, shortly after the Wal-mart drug screen, without a valid prescription. He further admits the purpose of obtaining the hydrocodone was to "explain" the presence of hydrocodone in his blood at the time of the Wal-mart drug screening.
 - c. During December of 2002, a shortage of controlled substances (Adderall and hydrocodone) was discovered at the Hartley, Iowa, pharmacy where Respondent was employed.
 - d. At Respondent's request, Respondent's psychiatrist called the Board of Pharmacy Examiners in February of 2003 and reported his impression that Respondent was suffering from, among other things, memory loss, depression, panic disorder, attention deficit disorder, obsessive-compulsive disorder, phobias, massive guilt and severe sleep deprivation.
 - e. On March 21, 2003, Respondent was admitted to the Behavioral Health Unit of Mercy Medical Center - Sioux City, Iowa, after an Iowa Highway Patrol officer found him driving erratically and on the wrong side of the road and was unable to respond to questions after being stopped. Upon hospitalization, Respondent was incoherent and suffering acute delirium. Respondent was alleged to be "seriously mentally impaired" and "a danger to himself and others" in documents which supported the request for a court order committing Respondent to treatment.
 - f. Subsequently, Respondent was treated at Mercy Hospital in Iowa City, Iowa, on April 7, 2003 and April 8, 2003, at which time a "partial complex seizure" was confirmed by an electroencephalogram.
 - g. On or about April 14, 2003 Respondent was again admitted to the psychiatric intensive care unit of Mercy Medical Center - Sioux City for treatment of bizarre behavior. At that time, the treating physician concluded Respondent's attention and concentration were poor, his insight and judgment impaired.
4. The Board finds that the evidence assembled during the investigation of Respondent supports the April 23, 2003 Statement of Charges against Respondent. The Board also finds that Respondent has violated the provisions of Iowa Code Chapter 155A and

Chapter 657 of the Iowa Administrative Code in the manner alleged in the Statement of Charges.

5. The Board finds that Respondent is an immediate danger to the public health, safety and welfare for the following reasons:
 - a. Respondent has engaged in drug abuse (including use of hydrocodone and other controlled substances) with the potential to affect the safety of his performance as a pharmacist. The drug screen performed by Respondent's employer on August 23, 2003 accompanied by evidence of theft of drugs from Respondent's subsequent employer supports a finding of ongoing chemical abuse by respondent.
 - b. Respondent was hospitalized at least two – and possibly more – times during the month beginning March 21, 2003. Respondent's hospital admissions were based on disorientation, delirium, confusion, agitation and bizarre behavior. His first hospitalization occurred after Respondent was stopped by an Iowa Highway Patrolman while Respondent was on his way to work at Hartley Pharmacy, Hartley, Iowa.
 - c. Respondent has been diagnosed as bi-polar, with memory loss, attention deficit disorder, memory loss, seizures and a variety of other ailments and disorders. Respondent's concentration, attention, insight and judgment are impaired due to his mental and physical condition.
 - d. Respondent's physical and mental condition are inadequate for work as a pharmacist and inconsistent with a pharmacist's professional responsibilities. Respondent's memory loss, seizures, attention deficit and other ailments could result in dispensing errors and incorrect patient counseling if Respondent were allowed to continue to work as a pharmacist. The possibility of dispensing errors and incorrect counseling in the use of prescription medications constitute an immediate threat to the public health and welfare because an incorrectly dispensed or utilized prescription may cause serious physical harm – or even death -- to a patient.
6. The Board finds that immediate, emergency action must be taken for the reason that if Respondent is allowed to work as a pharmacist, the public health, safety and welfare will be threatened by both his drug addiction, and his mental and physical condition which could result in Respondent incorrectly dispensing medications to members of the public

and failing to communicate regarding procedures for taking the medications, drug reactions, etc.

7. The Board finds that the minimum emergency action needed to protect the public health, safety and welfare is as follows:
 - a. Immediate suspension of Respondent's pharmacist license.
 - b. Issuance of an order directing that Respondent's license shall remain suspended until satisfactory evidence of Respondent's ability to resume the practice of pharmacy has been provided to the Board.

III. CONCLUSIONS OF LAW

1. Respondent's physical and mental condition prevent Respondent from working safely as a pharmacist, in compliance with the provisions of Iowa Code chapter 155A.15 and chapter 657 of the Iowa Administrative Code.
2. The provisions of Iowa Code § 17A.18A (2003) permit the Board of Pharmacy Examiners to take emergency action to protect the health, safety and welfare of the public. A basis for emergency action against respondent, pursuant to the provisions of the Iowa Code and the Iowa Administrative Code, has been established by the findings of fact adopted above.

IV. EMERGENCY ORDER

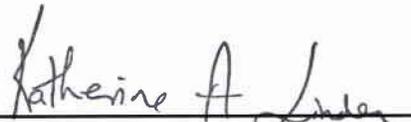
The Board ORDERS as follows:

- a. Pursuant to Iowa Code § 17A.18A, chapter 155A (2003) and 657 Iowa Administrative Code § 35, the pharmacist license of Scott W. Bainbridge is

suspended indefinitely. This suspension is effective immediately upon issuance of this order.

- b. Respondent shall be notified of this order as provided in 657 Iowa Administrative Code 35.30(2).
- c. A hearing regarding this Emergency Adjudicative Order and the Statement of Charges against Respondent shall be held on June 10, 2003. The hearing will commence at 10 A.M. and be held at the office of the Iowa Board of Pharmacy Examiners, 400 Southwest 8th Street, Suite E, Des Moines, Iowa 50309.

DATED this 1st day of May 2003.



Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Bainbridge 351 Emerg Order

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)
Pharmacist License of)
SCOTT W. BAINBRIDGE) **REINSTATEMENT**
License No. 16549,) **ORDER**
Respondent.)
)

COMES NOW, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy Examiners, on the 25th day of October, 2006, and declares that:

1. On May 1, 2003, Respondent's Iowa pharmacist license number 16549 was placed on indefinite suspension pursuant to the terms of an Emergency Order and Complaint and Statement of Charges approved by the Board on May 1, 2003.
2. On September 12, 2006, Respondent appeared before the Board at an Informal Reinstatement Conference pursuant to 657 I.A.C. 36.14.
3. Based on the testimony and evidence presented at the Informal Reinstatement Conference, the Board concludes that the basis for the indefinite suspension of the Respondent's pharmacist license no longer exists and that it is in the public interest to allow his license to be reinstated.

WHEREFORE, following deliberation by the Board, it is hereby ordered that Respondent's pharmacist license number 16549 shall be reinstated, subject to the following terms and conditions:

- (1) Upon receipt of a completed license renewal application and a renewal fee of \$220 from Respondent, the Board shall reinstate Respondent's license and place it on indefinite probation. The Respondent's probation is subject to the following terms and conditions:
 - a. Respondent shall only work as a pharmacist a total of 16 hours per month. Such work may be in the form of two 8-hour days. This restriction shall remain in place until such time as Respondent's physician approves Respondent for more regular and routine employment as a pharmacist.
 - b. Respondent shall continue to comply with all recommendations of his physician, Daniel J. Dees, M.D. Respondent shall cause his physician, Dr.

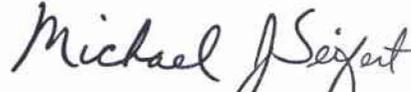
Dees, to submit written monthly medical reports to the Board which describe his current health status and which include a list of Respondent's current medications. In the event that Dr. Dees ceases to be Respondent's physician, Respondent shall submit to the Board in writing the name and address of his new physician within 15 days of such occurrence for Board approval.

- c. Respondent shall not use 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 health care provider who is trained in substance abuse issues and is aware of Respondent's medical history. The Respondent shall fully inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
- d. Respondent shall not possess any controlled substance, except medications prescribed in accordance with the preceding paragraph.
- e. Upon demand by an agent of the Board, Respondent shall provide specimens for laboratory analysis, including hair and witnessed blood or urine specimens. All costs relating to specimen analysis shall be paid by Respondent. Specimens shall be used for drug screening and to verify Respondent's compliance with the terms of probation and with any therapy ordered by Respondent's physician or treatment provider.
- f. For the purpose of facilitating paragraph (e), above, Respondent shall work with FirstLabs or another Board-approved testing service to provide random specimens for laboratory testing as directed by the Board.
- g. Respondent shall file written, sworn monthly reports with the Board attesting to his compliance with all the terms and conditions of his probation. The reports shall be filed not later than the 5th of each month. The monthly reports shall include Respondent's current place of employment, home address, home telephone number or work telephone number, and any further information deemed necessary by the Board from time to time.
- h. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearance.
- i. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy and the distribution of controlled substances.
- j. Respondent shall provide evidence of efforts to maintain skill and knowledge

as a pharmacist through continuing pharmacy education (CPE) as directed by the Board.

- k. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
 - l. Respondent shall not own or manage a pharmacy, nor serve as the pharmacist in charge of a pharmacy.
 - m. Respondent shall provide pre-employment notification to all prospective pharmacy or pharmacy-related employers of the terms, conditions, and restrictions imposed on Respondent by this document. Within fifteen (15) days of undertaking new employment as a pharmacist or in a pharmacy-related business, Respondent shall cause his employer to report to the Board in writing, acknowledging that the employer has read this document and understands it.
 - n. Respondent shall notify all co-workers, including pharmacy technicians, of the terms, conditions, and restrictions imposed on Respondent by this document. Within fifteen (15) days of undertaking employment as a pharmacist or in a pharmacy-related business, Respondent shall cause his co-workers, including pharmacy technicians, to report to the Board in writing, acknowledging that they have read this document and understand it.
 - o. Respondent shall ensure that the pharmacist in charge (PIC) of each pharmacy in which the Respondent is employed submits a performance report to the Board in writing every month. The report shall be completed on a form provided by the Board and the pharmacist in charge shall personally complete, date, and sign the form.
- (2) On March 13, 2007, Respondent shall appear in person before the Board at an informal conference to review his performance as a pharmacist. The Respondent, if he so desires, may request modifications to the length and terms of his probation at that time.
- (3) Should the Respondent violate or fail to comply with any of the terms, conditions, or restrictions of probation, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.

Dated this 25th day of October, 2006.



MICHAEL J. SEIBERT, Chairperson
Iowa Board of Pharmacy Examiners
RiverPoint Business Park
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Iowa Assistant Attorney General

**BEFORE THE BOARD OF PHARMACY
OF THE STATE OF IOWA**

| | | |
|-------------------------|---|----------------------|
| Re: |) | |
| Pharmacist License of |) | |
| SCOTT BAINBRIDGE |) | AMENDED |
| License No. 16549 |) | REINSTATEMENT |
| Respondent |) | ORDER |

COMES NOW, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy, on the 13th day of March, 2007, and declares that:

1. On May 1, 2003, Respondent's Iowa pharmacist license number 16549 was placed on indefinite suspension pursuant to the terms of an Emergency Order and Complaint and Statement of Charges approved by the Board on May 1, 2003.
2. On September 12, 2006, Respondent appeared before the Board at an Informal Reinstatement Conference pursuant to 657 I.A.C. 36.14.
3. Based on the testimony and evidence presented at the Informal Reinstatement Conference, the Board concluded that the basis for the indefinite suspension of the Respondent's pharmacist license no longer existed and that it was in the public interest to allow his license to be reinstated.
4. On March 13, 2007, Respondent appeared before the Board to review his performance as a pharmacist and to request modifications to the terms of the Reinstatement Order.

WHEREFORE, following deliberation by the Board, it is hereby ordered that Respondent's pharmacist license number 16549 shall be amended, subject to the following terms and conditions:

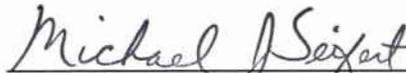
1. Upon receipt of a recommendation from Respondent's physician that he is approved to work up to 8 hours a week, Respondent shall only work as a pharmacist a total of 8 hours per week. This restriction shall remain in place until such time as Respondent's physician approves Respondent for more regular and routine employment as a pharmacist.
2. Respondent shall continue to comply with all recommendations of his physician, Daniel J. Dees, M.D. Respondent shall cause his physician, Dr. Dees to submit written monthly medical reports to the Board which describe his current health status and which include a list of Respondent's current medications. In the event that Dr. Dees ceases to be Respondent's physician, Respondent shall submit to the Board in writing the name and address of his new physician within 15 days of such occurrence for Board approval.

3. Respondent shall not use 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 health care provider who is trained in substance abuse issues and is aware of Respondent's medical history. The Respondent shall fully inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
4. Respondent shall not possess any controlled substance, except medications prescribed in accordance with the preceding paragraph.
5. Upon demand by an agent of the Board, Respondent shall provide specimens for laboratory analysis, including hair and witnessed blood or urine specimens. All costs relating to specimen analysis shall be paid by Respondent. Specimens shall be used for drug screening and to verify Respondent's compliance with the terms of probation and with any therapy ordered by Respondent's physician or treatment provider.
6. For the purpose of facilitating paragraph (5), above, Respondent shall work with FirstLabs or another Board-approved testing service to provide random specimens for laboratory testing as directed by the Board.
7. Respondent shall file written, sworn monthly reports with the Board attesting to his compliance with all the terms and conditions of his probation. The reports shall be filed not later than the 5th of each month. The monthly reports shall include Respondent's current place of employment, home address, home telephone number or work telephone number, and any further information deemed necessary by the Board from time to time.
8. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearance.
9. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy and the distribution of controlled substances.
10. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing pharmacy education (CPE) as directed by the Board.
11. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
12. Respondent shall not own or manage a pharmacy, nor serve as the pharmacist in charge of a pharmacy.
13. Respondent shall provide pre-employment notification to all prospective pharmacy or pharmacy-related employers of the terms, conditions, and

restrictions imposed on Respondent by this document. Within fifteen (15) days of undertaking new employment as a pharmacist or in a pharmacy-related business, Respondent shall cause his employer to report to the Board in writing, acknowledging that the employer has read this document and understands it.

14. Respondent shall notify all co-workers, including pharmacy technicians, of the terms, conditions, and restrictions imposed on Respondent by this document. Within fifteen (15) days of undertaking employment as a pharmacist or in a pharmacy-related business, Respondent shall cause his co-workers, including pharmacy technicians, to report to the Board in writing, acknowledging that they have read this document and understand it.
15. Respondent shall ensure that the pharmacist in charge (PIC) of each pharmacy in which the Respondent is employed submits a performance report to the Board in writing every month. The report shall be completed on a form provided by the Board and the pharmacist in charge shall personally complete, date, and sign the form.
16. On September 10, 2007, Respondent shall appear in person before the Board at an informal conference to review his performance as a pharmacist. The Respondent, if he so desires, may request modifications to the length and terms of his probation at that time.
17. Should the Respondent violate or fail to comply with any of the terms, conditions, or restrictions of probation, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.

Dated this 14th day of March, 2007.



Michael J. Seifert, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Iowa Attorney General
Respondent

Bainbridge amended reinstatement order

CHECKLIST FOR SCOTT BAINBRIDGE EMPLOYMENT

Employer's evaluation
(Yes/No)

A. Managing drug therapy to optimize patient outcomes:

1. Mr. Bainbridge is able to develop a pharmaceutical care plan for safe and effective drug therapy.
2. Mr. Bainbridge is able to obtain a pertinent drug history from the patient and apply the information appropriately to the pharmaceutical care plan.
3. Mr. Bainbridge is able to use the pharmaceutical care plan developed for a patient to monitor that patient's drug therapy for appropriateness, efficacy, and adverse effects and be able to correct drug-related problems.
4. Mr. Bainbridge is able to use the patient medication profile to monitor drug utilization, note drug interactions, allergies and sensitivities, and is able to take appropriate action to correct drug-related problems.

B. Ensuring the safe and accurate preparation & dispensing of medications:

1. Mr. Bainbridge is able to select the correct product from the pharmacy inventory and properly prepare and label the medication.
2. Mr. Bainbridge is able to accurately dispense and maintain all necessary records for controlled substances in accordance with the current state and federal laws and policy.
3. Mr. Bainbridge is able to perform and document the necessary calculations and to perform the required technical and compounding skills necessary to produce a pharmaceutically elegant product.
4. Mr. Bainbridge is able to appropriately dispose of outdated, discontinued, or recalled drugs, controlled substances, needles and syringes, and cytotoxic agents.
5. Mr. Bainbridge is able to detect errors and omissions in a prescription or medication order, and can take appropriate action to correct them.
6. Mr. Bainbridge is able to perform a final check of the prescription/medication order with regard to correct drug, dose, dosage form, and accuracy and clarity of labeling.

C. Providing drug information and promoting public health: Evaluation

1. Mr. Bainbridge is able to effectively communicate all information necessary to encourage proper use and storage of

**Employer's evaluation
(Yes/No)**

the medication. This includes the importance of compliance with directions, precautions, and relevant warnings. Mr. Bainbridge routinely verifies that the patient understands this information.

2. Mr. Bainbridge is able to effectively select and use appropriate references and resources to accurately answer drug information requests. _____
3. Mr. Bainbridge is able to effectively communicate drug information and provide drug-related presentations to pharmacists and other health care providers. _____
4. Mr. Bainbridge is able to evaluate the urgency of a poisoning or overdose situation, supply general information on the initial treatment, and refer the problem to the nearest poison information center if necessary. _____
5. Mr. Bainbridge is able to effectively communicate with other health professionals for such purposes as counseling, discussing the therapeutic plan, and providing education. _____
6. Mr. Bainbridge is able to assess a patient's complaints and discuss the options for therapy. Where the use of a nonprescription medication is indicated, Mr. Bainbridge is able to make recommendations and counsel the patient about the proper use of the product. _____

D. Adhering to professional and ethical standards:

1. Mr. Bainbridge understands and accepts the pharmacists' responsibilities for patient care. _____
2. Mr. Bainbridge shall maintain confidentiality of patient-specific information. Without express written consent from the patient or the order or direction of a court, confidential information may only be divulged or revealed to the patient or the patient's agent, the prescriber or other licensed practitioner caring for the patient, to another licensed pharmacist where the interests of the patient dictate such release, the Board or its representative, or such other person or governmental agencies as authorized by law. _____

E. Medication dispensing errors:

Mr. Bainbridge has made or contributed to one or more medication dispensing errors. If yes, please attach complete details. _____

F. Patient counseling:

Mr. Bainbridge has performed appropriate patient counseling. _____

**Employer's evaluation
(Yes/No)**

G. Drug use review:

Mr. Bainbridge has conducted drug use review when processing new and refill prescription orders.

H. Supervision of pharmacy technicians

Mr. Bainbridge has adequately supervised pharmacy technicians working under his direction and control.

Additional Comments:

BEFORE THE IOWA BOARD OF PHARMACY

| | | |
|----------------------------|---|-----------------------------|
| Re: |) | Case No. 2008-103 |
| Pharmacist License of |) | |
| SCOTT W. BAINBRIDGE |) | STATEMENT OF CHARGES |
| License No. 16549 |) | |
| Respondent. |) | |

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2007).
3. On January 23, 1985, the Board issued Respondent, Scott W. Bainbridge, by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 16549, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2010, subject to a Reinstatement Order dated October 25, 2008.
5. Respondent's current address is 206 Rutland Street, Kingsley, Iowa 51028.

A. CHARGE

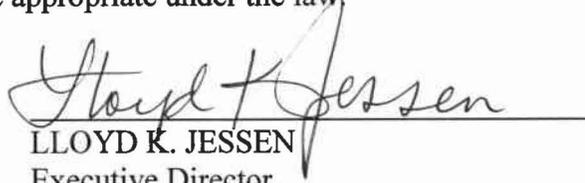
COUNT I – FAILURE TO COMPLY WITH BOARD ORDER

The Respondent is charged with a failure to comply with the terms of a Reinstatement Order issued by the Iowa Board of Pharmacy on October 25, 2006, in violation of Iowa Code § 272C.3(2)(a) (2007).

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.


LLOYD K. JESSEN
Executive Director

On this 17 day of Feb. 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


LEMAN E. OLSON, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

Bainbridge SOC 12-08

BEFORE THE IOWA BOARD OF PHARMACY

| | | |
|------------------------|---|---------------------|
| RE: |) | CASE NO. 2008-103 |
| Pharmacist License of: |) | DIA NO: 09PHB006 |
| SCOTT W. BAINBRIDGE |) | |
| License No. 16549 |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| Respondent. |) | DECISION AND ORDER |

TO: SCOTT W. BAINBRIDGE

On February 17, 2009, the Iowa Board of Pharmacy (Board) found probable cause to file a Statement of Charges against Scott W. Bainbridge (Respondent), a licensed pharmacist. The Statement of Charges alleged:

COUNT I: Failure to Comply with the terms of a Board Reinstatement Order, dated October 25, 2006, in violation of Iowa Code section 272C.3(2)(a)(2007).

A Notice of Hearing was issued on February 19, 2009, and the hearing on the Statement of Charges was scheduled for April 28, 2009, at 1:00 p.m.

The following members of the Board were present: Leman E. Olson, Chairperson; Vernon H. Benjamin, Vice-Chairperson; Annabelle Diehl; Susan Frey; Edward Maier; DeeAnn Wedemeyer-Oleson; and Margaret Whitworth. The Respondent participated in the hearing. Scott Galenbeck, Assistant Attorney General, represented the state. The hearing was recorded by a certified court reporter. John M. Priester, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2007).

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The administrative law judge was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the Statement of Charges; Notice of Hearing; the testimony of the witnesses; and Exhibits 1-21.

FINDINGS OF FACT

On January 23, 1985, the Board issued the Respondent license number 16549 to engage in the practice of pharmacy, subject to the laws of the state of Iowa and the rules of the Board. The Respondent's license is active until June 30, 2010, subject to a Reinstatement Order dated October 25, 2006. (Ex. 10, 16 and Records of the Board)

The Respondent's disciplinary problems began back in 1991. After a hearing before the Board of Pharmacy Examiners, the Respondent's pharmacy license was placed on probation after he was found to be chemically dependent. The conditions of probation mostly concerned his continued substance abuse treatment. (Ex. 2)

The Board issued another Statement of Charges on April 23, 2003, with three counts. The charges included an allegation of Unlawful Possession of Drugs, Inability to Practice Due to Chemical Abuse, and Lack of Professional Competency. The Board then issued an Emergency Order on May 1, 2003, indefinitely suspending the Respondent's pharmacy license. The action was based upon the determination that the Respondent's physical and mental condition prevented him from working safely as a pharmacist. (Ex. 7)

The Respondent remained suspended from 2003 until 2006. (Testimony of Respondent) On October 25, 2006, the Respondent entered into a Reinstatement Order to regain his pharmacist license. The Reinstatement Order outlined the probation conditions for the Respondent to receive his license. These probation conditions included, in part:

- a. Respondent was limited to working no more than 16 hours per month.
- b. Respondent was required to continue to comply with all recommendations of his physician, Daniel J. Dees, M.D.
- c. Respondent was to refrain from using any controlled substances or prescription drugs unless authorized and prescribed by a physician.
- d. Respondent was required to file written, sworn monthly reports with the Board attesting to his compliance with all the terms and conditions of probation.

- e. The Respondent was required to have the Pharmacist in Charge of each pharmacy where the Respondent is employed submit a performance report to the Board in writing every month. The report shall be completed on a form provided by the Board and the pharmacist in charge shall personally complete, date and sign the form.

(Ex. 10)

The Board issued an Amended Reinstatement Order on March 14, 2007. The Amended Reinstatement Order allowed the Respondent to work up to 8 hours per week. All other conditions outlined in the October 25, 2006 Reinstatement Order were repeated.

(Ex. 11)

On May 1, 2008, the Respondent was arrested for Operating While Intoxicated. He pled guilty to the charge on August 8, 2008, and was granted a Deferred Judgment. (Ex. 14 and testimony of the Respondent) As a result of this relapse, the Respondent entered in-patient treatment at Mercy Behavioral Care in Sioux City, Iowa, on July 14, 2008. The Respondent was discharged on August 28, 2008. (Ex. 15 and testimony of Respondent)

The Board issued a Statement of Charges on February 17, 2009 alleging that the Respondent failed to Comply with a Board Order. The Statement of Charges alleged that the Respondent did not file timely monthly reports to the Board for March, July, August, and September of 2008; the Respondent's substance abuse evaluation revealed a polydrug dependence; and the Respondent was charged with Operating While Intoxicated. (Ex. 16)

In the hearing the Respondent admitted relapsing on May 1, 2008. He testified that this was a huge set back for him because he had been sober for 19 years. Since the OWI charge he has not had any alcohol, he attends AA meetings and talks to his sponsor daily. He explained that he was only drinking alcohol, there were no other drugs involved in the OWI arrest. (Respondent testimony)

The Respondent admitted that he failed to submit monthly reports in 2008 as required by the Reinstatement Orders. The Respondent also admitted that it was his responsibility to have the pharmacist in charge reports filed monthly. The Respondent admitted that not one pharmacist in charge report was ever filed. The Respondent also admitted that when he relapsed in May of 2008, his consumption of alcohol was against his physician's advice.

CONCLUSIONS OF LAW

Count I

Iowa law provides that a licensing board has the authority to suspend or revoke a professional's license if the licensee fails to comply with a decision of the governing board. Iowa Code § 272C.3(2)(a)(2007).

The Board issued a Reinstatement Order on October 25, 2006. This Reinstatement Order outlined the grounds upon which the Respondent could return to the practice of being a pharmacist. The Board issued an Amended Reinstatement Order on March 14, 2007. Both of these Orders listed conditions under which the Respondent had to abide by if he wanted to be a pharmacist.

The Respondent admitted that the consumption of alcohol was against his physician's advice. The Respondent was required to follow all of the recommendations of his physician. (Ex. 10, (1)(b); Ex. 11(2)) The consumption of alcohol by the Respondent violated the Reinstatement Order and the Amended Reinstatement Order.

The Respondent admitted that he failed to file monthly reports. The Respondent was required to file monthly reports pursuant to the Reinstatement Order (Ex. 10, p. 2, (g)) and the Amended Reinstatement Order (Ex. 11, p. 2 (7)). The failure to file the monthly reports violated the Reinstatement Order and the Amended Reinstatement Order.

The Respondent admitted that he never filed any performance reports by the pharmacist in charge of any of his places of employment. The Respondent's Reinstatement Order and Amended Reinstatement Order required that the pharmacist in charge file monthly performance reports. (Ex. 10, p. 3, o; Ex. 11, p. 3, 15) The failure to have the pharmacist in charge file monthly performance reports was a violation of the Reinstatement Order and Amended Reinstatement Order.

The Respondent has an 18 year history of substance abuse. He has had long periods of sobriety in that time, but has regularly been brought before the Board for improper actions. The Board has run out of patience with the Respondent.

The Respondent violated the Reinstatement Order and Amended Reinstatement Order when he consumed alcohol against his physician's advice, failed to file monthly reports, and failed to have the pharmacist in charge file monthly performance reports.

Sanction

The Respondent's actions require that the Board take action to protect the public. The Respondent's pharmacist license shall be revoked and the Respondent will not be eligible for reinstatement for at least two years from the date of this Order.

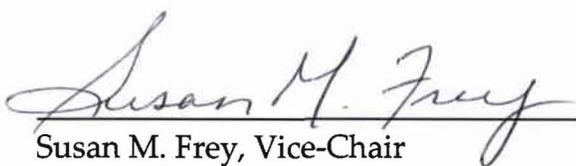
If the Respondent does seek reinstatement he will have to begin the licensure process at the beginning. If he is successful in obtaining his pharmacist license, he will be required to be placed on probation with all of the conditions outlined in the Reinstatement Order dated October 25, 2006 and the Amended Reinstatement Order dated March 14, 2007 in force. An additional condition of the Respondent's probation will be a requirement that the Respondent not consume alcohol.

DECISION AND ORDER

IT IS THEREFORE ORDERED that pharmacy license no. 16549 issued to Scott W. Bainbridge, shall be **REVOKED** effective immediately upon service of this order. The Respondent shall not petition for reinstatement for at least two years from the date of this order.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that the Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board shall bill the Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. The Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this *2nd* day of *June* 2009.



Susan M. Frey, Vice-Chair
Iowa Board of Pharmacy Examiners

cc: Scott Galenbeck, 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.

BEFORE THE IOWA BOARD OF PHARMACY

| | | |
|-----------------------|---|---------------------|
| RE: |) | CASE NO: 2008-103 |
| Pharmacist License of |) | DIA NO: 11PHB020 |
| |) | |
| SCOTT W. BAINBRIDGE |) | FINDINGS OF FACT, |
| License No. 16549 |) | CONCLUSIONS OF LAW, |
| Respondent |) | DECISION AND ORDER |

On November 9, 2011, a hearing was held before the Iowa Board of Pharmacy (Board) on the Application for Reinstatement filed by Scott W. Bainbridge (Respondent). The following members of the Board presided at the hearing: Susan Frey, Chairperson; Edward Maier; Mark Anliker; LaDonna Gratiyas; and Margaret Whitworth. Respondent appeared and was represented by attorney Glenn Metcalf. Assistant Attorney General Scott Galenbeck represented the state. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was open to the public at the election of Respondent, pursuant to Iowa Code section 272C.6(1)(2011) and 657 IAC 36.13(3), and was recorded by a certified court reporter. After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The administrative law judge was instructed to prepare the written decision for Board approval, in conformance with the Board's deliberations.

THE RECORD

The record includes the Notice of Hearing; testimony of Respondent; State Exhibits 1-5 (See Exhibit Index for description) and Respondent Exhibits A-E.

FINDINGS OF FACT

1. On January 23, 1985, the Board issued Respondent license number 16549 to engage in the practice of pharmacy, subject to the laws of the state of Iowa and the rules of the Board. (Exhibit 4; Respondent testimony)
2. Respondent has a long history of discipline by this Board.

a. In 1991, the Board placed Respondent's pharmacy license on probation, with conditions that related to his continued substance abuse treatment for chemical dependence. (Exhibit 4; Respondent testimony)

b. On April 23, 2003, the Board charged Respondent with Unlawful Possession of Drugs, Inability to Practice Due to Chemical Abuse, and Lack of Professional Competency. On May 1, 2003, the Board issued an Emergency Order indefinitely suspending Respondent's pharmacy license. The emergency suspension was based upon the Board's determination that Respondent's physical and mental condition prevented him from working safely as a pharmacist. Respondent's license remained suspended from 2003 until 2006. (Exhibits 1, 4)

c. On October 25, 2006, the Respondent and the Board entered into a Reinstatement Order that placed his license on probation. Respondent was limited to working two 8-hour days a month and was required to comply with conditions related to his substance abuse. On March 14, 2007, the Board issued an Amended Reinstatement Order that increased the number of hours Respondent was allowed to work to 8 hours per week. (Exhibits 1, 2)

d. On February 17, 2009, the Board charged Respondent with failing to comply with the terms of his probation. Respondent failed to timely file monthly reports. In addition, Respondent relapsed by using alcohol on May 1, 2008. He pled guilty to Operating While Intoxicated on August 8, 2008 and was granted a deferred judgment. Respondent was evaluated, diagnosed with polydrug dependence, and completed in-patient treatment on August 28, 2008. On June 2, 2009, the Board issued its Decision and Order revoking Respondent's pharmacist license. The Decision and Order provided, in part, that Respondent could not petition for reinstatement for at least two years from the date of the Order. (Exhibits 3, 4)

3. Respondent has been under the care of a neurologist since February 2005. His neurological issues have included seizures and TIAs. Respondent also had a significant right carotid stenosis for which he underwent stenting in November 2010. Respondent is convinced that the blocked artery was causing him to be confused, irrational, and unable to focus. Following surgery, Respondent reports that he was able to focus and "felt like a whole new person." In a report dated July 11, 2011, Respondent's neurologist states that Respondent is not having any seizures at this time and has

returned to driving. The neurologist saw no reason from a neurological standpoint that Respondent could not return to work. (Exhibits B, D; Respondent testimony)

4. Respondent has severe neuropathy and progressive Charcot foot deformities. He is diabetic and has been under ongoing treatment for recurrent ulcers on his left foot. Respondent's podiatrist reports that his conditions are now stable, but he must continue with local wound care on his left foot. Respondent is physically able to perform work activities that do not require him to stand on his foot. (Exhibit A) Respondent has been fitted with new boots and walks with significant difficulty. Respondent concedes that he is physically unable to stand for long periods of time or to work full-time. (Respondent testimony)

5. Respondent submitted a July 18, 2011 report from a psychiatric physician assistant who assumed his care in March 2011. The physician assistant provided Respondent's diagnoses, which include:

AXIS I: Mood disorder secondary to temporal lobe epilepsy with manic symptoms
Polysubstance dependence including alcohol dependence, relapse in 2008

The physician assistant reported that he sees Respondent for follow-up approximately once a month and that Respondent denies any substance use. Respondent's condition appears relatively stable, and there have been no episode of mania. He has been compliant with his treatment protocol. The psychiatric physician assistant reports that Respondent's insight and judgment into his illness is good and his reality testing is intact. In July 2011, Respondent's medications included Seroquel 200 mg at bedtime for mood stabilization and Cymbalta 60 mg at bedtime. He has also been prescribed numerous medications for his significant medical conditions. One of Respondent's prescribed medications for pain is Hydrocodone-Acetaminophen 10/325 mg every 6 hours PRN. Respondent testified that he had not taken any Hydrocodone in five or six days prior to hearing and that he had recently been prescribed Soma, instead of the Hydrocodone, in an effort to get him back to work. (Exhibit E; Respondent testimony)

6. Respondent has been receiving Social Security disability payments for approximately 3 or 4 years. His eligibility must be reviewed every five years. Respondent was somewhat unclear when asked why he is on disability. Based on his response, it appears that his disabilities are both physical and psychological. (Testimony of Respondent)

7. Respondent denies any use of alcohol since his relapse on May 1, 2008. He still attends Alcoholics Anonymous on occasion and meets regularly with his AA sponsor, who has 30 years of sobriety. (Respondent testimony)
8. Respondent has completed a number of continuing education credits since June 2009. (Respondent testimony; Exhibit C)

CONCLUSIONS OF LAW

657 Iowa Administrative Code 36.13 provides, in relevant part:

657-36.13(17A,124B,147,155A,272C) 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 or conditions upon which reinstatement might occur, or if the license . . . 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(2) Pharmacist license revoked or surrendered-examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or the equivalent as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license Such application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board

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 . . . to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) *Order.* An order for reinstatement shall be based upon a decision that incorporates findings of fact and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657-Chapter 14.

The Board's rules establish a heavy burden on persons seeking reinstatement of a revoked license. The person seeking reinstatement must present persuasive evidence that they have fully addressed the problems leading to the loss of their license and that it is in the public interest for the license to be reinstated. In addition, the person must successfully pass the NAPLEX and MPJE Examinations.

Respondent testified that he would rather not take the NAPLEX and MPJE. However, both Board rule and the Board's revocation order require these examinations prior to reinstatement of his revoked license. Even if the Board had the authority to waive the examinations (and it does not) the Board would be unwilling to do so given the length of time since Respondent has worked full-time as a pharmacist.

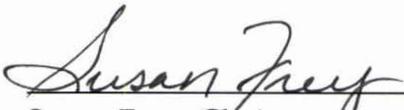
Moreover, Respondent failed to persuade the Board that he has sufficiently addressed the multiple issues that led to his license revocation or that it is in the public interest for his license to be reinstated. Respondent has clearly made progress in the two years since his license revocation, but the Board was not convinced that he is physically or mentally capable of returning to practice as a pharmacist.

Respondent has complex psychological and medical issues. Respondent's testimony was not organized or focused, and it does not appear that he would be able to communicate effectively with the public if he did return to work. In answering the Board's questions about his personal medications, Respondent sounded like a layperson rather than a pharmacist. Respondent's regular use of hydrocodone is a major concern, given his diagnosis of polysubstance dependence. The substitution of Soma, a muscle relaxant, for the hydrocodone does not alleviate the Board's concerns. In addition, it is highly unlikely that Respondent could find employment as a pharmacist, given his significant physical limitations.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the application for reinstatement filed by Respondent Scott Bainbridge is hereby DENIED. IT IS FURTHER ORDERED that Respondent must wait a minimum of five (5) years prior to filing another application for reinstatement.

Dated this 19th day of January, 2012.



Susan Frey, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General
Glenn Metcalf, Respondent's Attorney

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.

BEFORE THE IOWA BOARD OF PHARMACY

| | | |
|----------------------------|---|----------------------|
| Re: |) | Case No. 2008-103 |
| Pharmacist License of |) | |
| SCOTT W. BAINBRIDGE |) | STIPULATION |
| License No. 16549 |) | AND |
| Respondent |) | AMENDED ORDER |
| |) | |

The Iowa Board of Pharmacy (hereinafter, "Board") and Scott W. Bainbridge (hereinafter, "Respondent"), enter into the following Stipulation amending an Order issued by the Board on January 19, 2012. The Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on January 23, 1985, as evidenced by Pharmacist License Number 16549, which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent was revoked on June 2, 2009.
3. Respondent applied for license reinstatement during 2011. Following a hearing, the Board issued its "Findings of Fact, Conclusions of Law, Decision and Order" on January 19, 2012. The order denied Respondent's application for reinstatement and provided that Respondent would not be allowed to apply for reinstatement for 5 years following issuance of the order.
4. The Board's January 19, 2012 Findings of Fact and Conclusions of Law are not altered by this stipulation. The Board's January 19, 2012 Decision and Order is hereby amended to provide as follows:
 - a. Respondent's application for reinstatement is denied.

b. Respondent shall not be allowed to apply for reinstatement again for a period of one year following the adoption, by the Board, of this Stipulation and Amended Order.

c. Respondent shall not apply for reinstatement unless he has taken and passed both the MJPE (Multi-State Jurisprudence Exam) and the NAPLEX pharmacist exam within a twelve month period.

d. Because Respondent has a long history of discipline with the Board, arising from both his personal health issues and his substance abuse issues, successful completion of the MJPE and NAPLEX exams by Respondent will not guarantee or require that the Board reinstate Respondent's pharmacist license. Respondent's license will be reinstated only if (1) Respondent has passed both the MJPE and NAPLEX exams within a 12 month period and (2) the Board is satisfied that reinstatement of Respondent's pharmacist license is in the public interest.

e. The first sentence of paragraph 2(b) is stricken.

5. Upon the Board's adoption of this Stipulation and Amended Order, Respondent agrees to dismiss *Bainbridge v. Iowa Board of Pharmacy*, case number CVCV 34001, filed on February 10, 2012 in Plymouth County, Iowa, District Court

6. The State's legal counsel may present this Stipulation and Amended Order to the Board for its approval.

7. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force

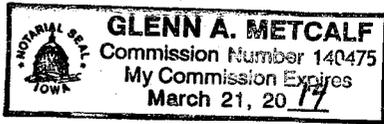
or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

8. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 2 day of May 2012.

Scott W. Bainbridge Rph
SCOTT W. BAINBRIDGE, R.Ph.
Respondent

Subscribed and sworn to before me by Scott W. Bainbridge on this 2nd day of May 2012.



Glenn A. Metcalf
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 27 day of June 2012.

Susan M. Frey
SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building

Des Moines, Iowa 50319

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