

BEFORE THE IOWA BOARD OF PHARMACY

In the Matter of the Request for) DIA No. 12PHB027
Reinstatement of Pharmacist Intern)
DAVID BALMER, Registration No. 3028,) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, DECISION AND ORDER
Respondent.)

The Board granted Respondent David Balmer Pharmacist Intern Registration No. 3028. In 2009 the Iowa Board of Pharmacy (“the Board”) cancelled Balmer’s Pharmacist Intern Registration because he had ceased pursuing a degree in pharmacy. In January 2012, Balmer applied for reinstatement of his Pharmacist Intern Registration. The Board held a hearing on Balmer’s application on April 27, 2012. Board members Susan Frey, Edward Maier, Mark Anliker, DeeAnn Wedemeyer-Oleson, James Miller, LaDonna Gratias, and Margaret Whitworth presided at the hearing. Balmer appeared and testified. Assistant Attorney General Scott Galenbeck represented the state of Iowa. No exhibits were admitted at hearing. Administrative Law Judge Heather Palmer assisted the Board in conducting the hearing. The hearing was closed to the public, at Balmer’s request.

FINDINGS OF FACT

In 2004 Balmer enrolled in the University of Iowa College of Pharmacy (“College of Pharmacy”). After enrolling, Balmer experienced substance abuse problems and withdrew from school. In 2008 he rejoined the College of Pharmacy and completed three internships after he obtained his Pharmacist Intern Registration.

In January 2009 Balmer again experienced substance abuse problems. He was unable to continue with his studies at the College of Pharmacy. The Board cancelled Balmer’s Pharmacist Intern Registration when he ceased pursuing a degree in pharmacy.

Balmer reported he is an alcoholic, but he has also experimented with illegal drugs and controlled substances. Balmer stated relationship problems triggered his substance abuse.

In the summer of 2009 Balmer attended outpatient treatment through the University of Iowa’s Chemical Dependency Unit. Balmer’s treatment was not successful. Balmer also completed short treatment through MECCA in Iowa City. His treatment was unsuccessful.

In September 2009, Balmer went to the Herrington Recovery Center in Wisconsin for inpatient substance abuse treatment. Balmer resided in the treatment facility for more than a month. Balmer returned to Iowa City following his treatment. He began attending Alcoholics Anonymous (“AA”) and found an AA sponsor. Balmer did not report any relapses following his release from the Herrington Recovery Center.

Balmer contacted officials at the College of Pharmacy to seek reinstatement. He resumed classes in the fall of 2011. Balmer lives with his grandparents in Iowa City. His grandparents do not keep any alcohol in their home. Balmer continues to attend regular AA meetings. He stays in contact with his AA sponsor and the liaison at the University of Iowa.

Balmer has a strong desire to serve the public as a pharmacist. Balmer has requested the Board reinstate his Pharmacist Intern Registration so he can complete his internships for his pharmacy degree. Balmer recognizes that he has made poor choices in the past based on selfishness. Balmer would like a chance to complete his internships, graduate, and eventually obtain licensure as a pharmacist.

Balmer needs to complete five internships. He will complete four internships in the Iowa City area. His remaining internship will be in the Davenport area. While completing his internship in the Davenport area, Balmer will live with his sister, who supports his recovery.

CONCLUSIONS OF LAW

The Iowa Legislature created the Board to promote, preserve and protect the public health, safety, and welfare through the effective regulation of the practice of pharmacy.¹ The Board regulates the practice, in part, through the licensing of pharmacies, pharmacists, and others engaged in the sale, delivery, or distribution of prescription drugs and devices.²

This case involves a pharmacist intern registration. The Board oversees a pharmacist internship program.³ A person desiring to be a pharmacist intern must apply to the Board for registration.⁴ The Iowa Legislature has given the Board the express authority to adopt rules for pharmacist intern registration.⁵ The Board has adopted rules at 657 IAC chapter 4.

The Board's rules define a pharmacist intern as "a person enrolled in a college of pharmacy or actively pursuing a pharmacy degree, or as otherwise provided by the board, who is registered with the board for the purpose of obtaining instruction in the practice of pharmacy from a preceptor," who is licensed to practice pharmacy.⁶ A person pursuing a pharmacy degree is required to register with the Board before commencing an internship experience.⁷ A registration remains in effect as long as the Board is satisfied the intern is pursuing a degree in pharmacy in good faith and with reasonable diligence.⁸ A registration automatically terminates if a lapse occurs

¹ Iowa Code § 155A.2(1).

² *Id.*

³ *Id.* § 155A.6.

⁴ *Id.*

⁵ *Id.*

⁶ 657 IAC 4.1

⁷ *Id.* 4.6.

⁸ *Id.* 4.6(3).

exceeding one year, in the pursuit of a degree in pharmacy.⁹ The Board cancelled Balmer's registration when he ceased pursuing a degree in pharmacy.

Balmer filed application with the Board for reinstatement of his Pharmacy Intern Registration. Reinstatement proceedings are subject to the same rules of procedure as other cases before the Board.¹⁰ Balmer bears the burden of proof to establish his Pharmacist Intern Registration should be reinstated.¹¹

The Board carefully considered Balmer's application for reinstatement. Balmer successfully completed inpatient treatment and has remained sober for over two and a half years. Balmer was honest and forthcoming with the Board with respect to his alcohol and drug use. He has taken full responsibility for his actions and recognizes that certain triggers could result in a relapse. Balmer has reached a point of understanding whereby he can manage the stressors that may arise in his life by relying on counseling, AA, his relationships with family and friends, and other supports. The Board will require a number of conditions on Balmer's Pharmacy Intern Registration to protect the public, including a period of probation for the term of his Registration.

DECISION AND ORDER

Balmer's application for reinstatement of his Pharmacy Intern Registration is granted, subject to the conditions set forth in this Order.

Balmer's Pharmacy Intern Registration is placed on probation for the duration of his Registration. Balmer's probation will be subject to the following terms and conditions:

- A. Balmer shall abstain from all use of alcohol or illicit drugs. Balmer shall cooperate with the Board's alcohol and drug screening program through FirstLab. Balmer shall provide random blood or urine specimens when required by the screening program. Balmer shall also provide random blood or urine specimens on demand by an agent of the Board.
- B. Balmer shall not use any controlled substances or prescription drugs in any form unless the controlled substance or prescription drug has been authorized and prescribed for him by a licensed, treating physician or other qualified health care provider.
- C. Balmer shall attend Alcoholics Anonymous on a regular weekly basis and shall obtain verification of his attendance at Alcoholics Anonymous and submit the verification with his quarterly written reports to the Board.

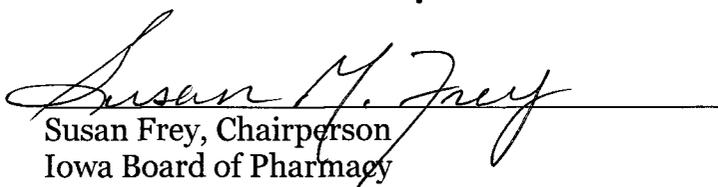
⁹ *Id.*

¹⁰ *Id.* 36.13(3).

¹¹ *Id.* 36.13(4).

- D. Balmer shall file written, sworn quarterly reports with the Board attesting to his compliance with all terms and conditions of probation. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Balmer's probation. The quarterly reports shall include Balmer's current home address, home telephone number, and any further information deemed necessary by the Board from time to time.
- E. During probation, Balmer shall inform the Board in writing, within ten (10) days of any change of his home address or home telephone number.
- F. Balmer shall make personal appearances before the Board or a Board committee upon request. The Board shall give Balmer reasonable notice of the date, time and location for such appearances.
- G. Balmer is responsible for all costs of compliance with this Decision and Order.
- H. Balmer shall obey all federal and state laws related to the practice of pharmacy and the distribution of controlled substances.
- I. Should Balmer violate or fail to comply with any of the terms or conditions of probation, the Board may initiate action to revoke or suspend his Pharmacy Intern Registration or to impose other discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC chapter 36.

Dated this 27th day of June, 2012.


Susan Frey, Chairperson
Iowa Board of Pharmacy

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.