

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

| | | |
|---------------------------|---|-------------------|
| Re: Pharmacist License of | } | COMPLAINT |
| STEVEN D. BARTLETT | } | AND |
| License No. 14149 | } | STATEMENT |
| Respondent | } | OF CHARGES |

COMES NOW, Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 12th day of December, 1990, and files this Complaint and Statement of Charges against Steven D. Bartlett, 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 John F. Rode are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on October 17, 1972, by examination.

3. Respondent currently resides at Rural Route 3, Fort Dodge, Iowa 50501.

4. Respondent is currently employed as a regular relief pharmacist at various pharmacies in Iowa.

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

6. The Board has received an investigative report from Pharmacy Investigator Morrell A. Spencer dated November 19, 1990. That report indicates the following:

a. Respondent was employed as a regular relief pharmacist at the following pharmacies during 1989 and/or 1990: (1) Community Health Center Pharmacy, 215 13th Avenue S.W., Clarion, Iowa; (2) Daniel Pharmacy, 1114 Central Avenue, Fort Dodge, Iowa; (3) Friendship Haven Pharmacy, Kenyon Road, Fort Dodge, Iowa; (4) Thompson Pharmacy, 909 Willson Avenue, Webster City, Iowa; (5) Wal-Mart Pharmacy # 10-0886, 301 South 29th Street, Fort Dodge; and (6) Wal-Mart Pharmacy # 10-0749, 3015 Grand Avenue, Ames, Iowa.

b. A zero-based audit beginning September 1, 1989, and ending November 13, 1990, revealed the following shortages of schedule III narcotic controlled substances from the Community Health Center Pharmacy in Clarion: (1) a shortage of 795 Azdone

tablets; (2) a shortage of 196 Lortab 7.5mg tablets; and (3) a shortage of 85 Vicodin tablets.

c. A zero-based audit beginning January 1, 1990, and ending November 7, 1990, revealed the following shortages of schedule III narcotic controlled substances from Daniel Pharmacy in Fort Dodge: (1) a shortage of 195 Azdone tablets; (2) a shortage of 406 Lortab 7.5mg tablets; and (3) a shortage of 308 Vicodin tablets.

d. An audit beginning May 1, 1989, and ending October 18, 1990, revealed the following shortages of schedule III narcotic controlled substances from the Frienship Haven Pharmacy in Fort Dodge: (1) a shortage of 87 Azdone tablets; (2) a shortage of 191 Lortab 7.5mg tablets; and (3) a shortage of 83 Vicodin tablets.

e. An audit beginning April 30, 1989, and ending November 5, 1990, revealed the following shortages of schedule III narcotic controlled substances from Thompson Pharmacy in Webster City: (1) a shortage of 670 Lortab 7.5mg tablets; (2) a shortage of 37 Vicodin tablets; (3) a shortage of 464 Lortab with ASA; (4) a shortage of 19 Hydrocodone with APAP; and (5) a shortage of 17 Lortab 2.5mg tablets.

7. The Board has received information from Wal-Mart Corporate Offices, 702 S.W. 8th Street, Bentonville, Arkansas, which indicates the following:

a. Respondent was employed as a pharmacist by the Wal-Mart Corporation from November 10, 1988, until November 23, 1990. During that time period Respondent worked as a pharmacist at Wal-Mart Pharmacy # 10-0886 in Fort Dodge and at Wal-Mart Pharmacy # 10-0749 in Ames.

b. An audit beginning April 30, 1989, and ending November 23, 1990, revealed the following shortages of schedule III narcotic controlled substances from Wal-Mart Pharmacy # 10-0886 in Fort Dodge: (1) a shortage of 760 Lortab 7.5mg tablets; (2) a shortage of 50 Lortab 5mg tablets; (3) a shortage of 48 Lortab 2.5mg tablets; (4) a shortage of 259 Azdone tablets; and (5) a shortage of 38 Vicodin tablets.

c. An audit beginning April 29, 1989, and ending November 23, 1990, revealed the following shortages of schedule III narcotic controlled substances from Wal-Mart Pharmacy # 10-0749 in Ames: (1) a shortage of 458 Lortab 7.5mg tablets; (2) a shortage of 6 Lortab 5mg tablets; (3) a shortage of 24 Lortab 2.5mg tablets; (4) a shortage of 381 Azdone tablets; (5) a shortage of 11 Vicodin tablets; (6) a shortage of 28 Hy-Phen 5mg tablets; and (7) a shortage of 28 Lorcet Plus tablets.

8. The Board has received a copy of a case report from the Fort Dodge Police Department, Incident No. 90-5067, dated November 23, 1990, which indicates that Respondent was arrested on November 23, 1990, at Wal-Mart Pharmacy # 10-0886, 301 South 29th Street, Fort Dodge, Iowa, and charged with third degree theft in connection with his admitted theft of schedule III narcotic controlled substances containing hydrocodone from the Wal-Mart Pharmacy at Fort Dodge.

9. Respondent has admitted to the Board in a letter dated November 14, 1990, that he has a five-year history of hydrocodone dependency and that he is responsible for quantities of hydrocodone products missing from numerous pharmacies where he was employed as a relief pharmacist. A total of 5,644 doses of various schedule III narcotic controlled substances containing hydrocodone have been shown to be missing from six pharmacies where Respondent was employed between November 10, 1988, and November 23, 1990.

10. Respondent is guilty of violations of 1989 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 155A.23(1)(c), 204.308(3), 204.402(1)(a), and 204.403(1)(c) and 1989 Iowa Code Supplement section 204.401(1)(c)(6) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

1989 Iowa Code section 155A.12 provides, in part, the following:

...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.

....

5. Violated any provision of the controlled substances Act or rules relating to that Act.

1989 Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:

a. Fraud, deceit, misrepresentation, or subterfuge.

....

c. Concealment of a material fact.

Iowa Code section 204.308 provides, in part, the following:

3. ...[A] controlled substance included in schedule III or IV, which is a prescription drug... shall not be dispensed without a written or oral prescription of a practitioner.

Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

Iowa Code section 204.403(1) provides, in part, the following:

It is unlawful for any person knowingly or intentionally:...

c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;...

1989 Iowa Code Supplement section 204.401 provides, in part, the following:

1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a counterfeit substance, or a simulated controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, a counterfeit substance, or a simulated controlled substance.

...

c. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C" felony, and in addition to the provisions of section 902.9, subsection 3, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars:...

(6) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in schedule I, II, or III.

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d)(2), and 9.1(4)(u) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

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:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

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.

....

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 10 and 11 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 1989 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 155A.23(1)(c), 204.308(3), 204.402(1)(a), and 204.403(1)(c); 1989 Iowa Code Supplement section 204.401(1)(c)(6); and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d)(2), and 9.1(4)(u).

IT IS HEREBY ORDERED that Steven D. Bartlett appear before the Iowa Board of Pharmacy Examiners on Tuesday, January 15, 1991, at 10:00 o'clock a.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 Steven D. Bartlett on October 17, 1972, 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. The failure of Respondent to appear could result in the permanent suspension or revocation of his license. Information regarding the hearing may

be obtained from Thomas D. McGrane, Assistant Attorney General,
Hoover Building, Capitol Complex, Des Moines, Iowa 50319
(telephone 515/281-6774).

IOWA BOARD OF PHARMACY EXAMINERS

A handwritten signature in cursive script, reading "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

| | | |
|---------------------------|---|---------------------|
| Re: Pharmacist License of |) | DIA NO. 90PHB-15 |
| |) | |
| STEVEN D. BARTLETT |) | |
| License No. 14149, |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| Respondent. |) | DECISION AND ORDER |

To: Steven D. Bartlett

A Complaint and Statement of Charges was filed by Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on December 12, 1990. The Complaint alleged that the Respondent had violated a number of pharmacy-related statutes and rules. The Complaint and Statement of Charges included the Notice of Hearing which set the hearing for January 15, 1991.

A hearing on the above Complaint and Statement of Charges was held on January 15, 1991 at 10:00 a.m. Present were the following members of the Board: Melba L. Scaglione, Chairperson; John F. Rode; Phyllis Olson; Rollin Bridge; Marian Roberts; Alan Shepley; and Donna Flower. Thomas D. McGrane, Assistant Attorney General, appeared on behalf of the State. The Respondent, Steven D. Bartlett, was present and was represented by his counsel, Steve Kersten. Present also were members of the staff of the Board, Mrs. Janet Bartlett, and a court reporter. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided. The hearing was closed to the public, at Respondent's request, pursuant to Iowa Code section 258A.6(1). After hearing the testimony and examining the Exhibits, the Board convened in closed executive session pursuant to Iowa Code section 21.5(1)"f" (1989) to deliberate. The record was held open for the admission of Licensee's Exhibit C. The undersigned administrative law judge was instructed to prepare this Board's Decision and Order.

THE RECORD

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

State's Exhibit 1: Investigative report dated 11/19/90; Report of Theft or Loss of Controlled Substances (Wal-Mart - Ames) dated 11/27/90; Summary of drugs taken; Medical release and medical records; Statement of Respondent dated 11/23/90; Respondent letter to Board dated 11/16/90; Records of Controlled Drug Audit.

State's Exhibit 2: Fort Dodge Police Department case report; Report of Theft or Loss of Controlled Substances (McLaughlin) and letter dated 11/29/90; Respondent letter dated 11/26/90; Letter dated 11/14/90 (John Daniel to Board); Medical Release; Report of Theft or Loss of Controlled Substances (Wal-Mart - Fort Dodge); Computation Table; Controlled Drug Audit Receipts; Product Activity Report; Report of Theft or Loss of Controlled Substances (Community Pharmacy); Narrative of Discovery of Missing C-III Drugs; Computation Tables; Inventory of Drugs Destroyed or Surrendered.

Licensee's Exhibit A: Progress Report - Trinity Recovery Center, dated 1/11/91.

Licensee's Exhibit B: Investigator Recommendations dated 11/20/90.

Licensee's Exhibit C: Letter dated 1/22/91, Trinity Recovery Center.

FINDINGS OF FACT

1. Respondent was issued a license to practice pharmacy in Iowa on October 17, 1982, by examination. Respondent's license is current until June 30, 1992. (Official file).

2. Respondent was employed as a regular relief pharmacist during 1989 and 1990 at the following pharmacies: (1) Community Health Center Pharmacy, 215 13th Avenue, S.W., Clarion, Iowa; (2) Daniel Pharmacy, 1114 Central Avenue, Fort Dodge, Iowa; (3) Friendship Haven Pharmacy, Kenyon Road, Fort Dodge, Iowa; (4) Thompson Pharmacy, 909 Willson Avenue, Webster City, Iowa; (5) Wal-Mart Pharmacy No. 10-0886, 301 South 29th Street, Fort Dodge, Iowa; and (6) Wal-Mart Pharmacy No. 10-0749, 3015 Grand Avenue, Ames, Iowa. (Testimony of Respondent; State's Exhibit 1).

3. Respondent admitted to the Board, in a letter dated November 14, 1990 and at the hearing, that he has a five-year history of hydrocodone dependency and that he is responsible for quantities of hydrocodone products missing from numerous pharmacies where he was employed as a relief pharmacist. A total of 5,644 doses of various schedule III narcotic controlled substances containing hydrocodone have been shown to be missing from six pharmacies where Respondent was employed between November 10, 1988 and November 23, 1990, as follows:

a) A zero-based audit beginning September 1, 1989, and ending November 13, 1990, revealed the following shortages of

schedule III narcotic controlled substances from the Community Health Center Pharmacy in Clarion: (1) a shortage of 795 Azdone tablets; (2) a shortage of 196 Lortab 7.5mg tablets; and (3) a shortage of 85 Vicodin tablets.

b) A zero-based audit beginning January 1, 1990, and ending November 7, 1990, revealed the following shortages of schedule III narcotic controlled substances from Daniel Pharmacy in Fort Dodge: (1) a shortage of 195 Azdone tablets; (2) a shortage of 406 Lortab 7.5mg tablets; and (3) a shortage of 308 Vicodin tablets.

c) An audit beginning May 1, 1989, and ending October 18, 1990, revealed the following shortages of schedule III narcotic controlled substances from the Friendship Haven Pharmacy in Fort Dodge: (1) a shortage of 87 Azdone tablets; (2) a shortage of 191 Lortab 7.5mg tablets; and (3) a shortage of 83 Vicodin tablets.

d) An audit beginning April 30, 1989, and ending November 5, 1990, revealed the following shortages of schedule III narcotic controlled substances from Thompson Pharmacy in Webster City: (1) a shortage of 670 Lortab 7.5mg tablets; (2) a shortage of 37 Vicodin tablets; (3) a shortage of 464 Lortab with ASA; (4) a shortage of 19 Hydrocodone with APAP; and (5) a shortage of 17 Lortab 2.5mg tablets.

e) An audit beginning April 30, 1989, and ending November 23, 1990, revealed the following shortage of schedule III narcotic controlled substances from Wal-Mart Pharmacy No. 10-0886 in Fort Dodge: (1) a shortage of 760 Lortab 7.5mg tablets; (2) a shortage of 50 Lortab 5mg tablets; (3) a shortage of 48 Lortab 2.5mg tablets; (4) a shortage of 259 Azdone tablets; and (5) a shortage of 38 Vicodin tablets.

f) An audit beginning April 29, 1989, and ending November 23, 1990, revealed the following shortages of schedule III narcotic controlled substances from Wal-Mart Pharmacy No. 10-0749 in Ames: (1) a shortage of 458 Lortab 7.5mg tablets; (2) a shortage of 6 Lortab 5mg tablets; (3) a shortage of 24 Lortab 2.5mg tablets; (4) a shortage of 381 Azdone tablets; (5) a shortage of 11 Vicodin tablets; (6) a shortage of 28 Hy-Phen 5mg tablets; and (7) a shortage of 28 Lorcet Plus tablets.

(Testimony of Respondent; State's Exhibit 1).

4. The Board has received a copy of a case report from the Fort Dodge Police Department, Incident No. 90-5067, dated November 23, 1990, which indicates that Respondent was arrested on November 23, 1990, at Wal-Mart Pharmacy No. 10-0886, 301 South 29th Street, Fort Dodge, Iowa, and charged with third degree theft in connection with his admitted theft of schedule III narcotic controlled substances containing hydrocodone from the Wal-Mart Pharmacy at Fort Dodge. (Testimony of Respondent; State's Exhibit 2).

5. Respondent is married and has nine children. Respondent was employed as a staff pharmacist at Walgreen's for fifteen years. In 1988, he left Walgreen's to work on his own as a relief pharmacist. Respondent began taking hydrocodone five years ago, ostensibly to relieve pain he was experiencing from a hernia. Respondent recognizes that he has been addicted for the past three years. In fall, 1990, one of Respondent's employers, Dan Ashenfelder, questioned Respondent about some discrepancies discovered during a drug audit. Although Respondent was not under suspicion, he decided that he had to quit using the hydrocodone. Respondent completely stopped using the hydrocodone in mid-October. He suffered severe withdrawal symptoms for three weeks. (Testimony of Respondent).

6. Respondent was evaluated at Trinity Recovery Center on November 27, 1990 and began outpatient treatment for his chemical dependency on December 4, 1990. Outpatient therapy consisted of sessions four nights a week from 5:30 - 9:30 p.m. from December 4, 1990 until January 22, 1991. Family therapy sessions were conducted two nights a week. Respondent's wife, Janet Bartlett, has participated in family therapy and has been very supportive of Respondent. Respondent now realizes that he used hydrocodone to alleviate stress. Respondent has also told his church about his chemical dependency, and is receiving support from his church. Respondent was discharged from treatment on January 22, 1991, having made "positive progress." (Testimony of Respondent, Janet Bartlett; Licensee's Exhibits B, C).

7. Four of the pharmacies from which Respondent took hydrocodone have continued to employ him as a relief pharmacist. These pharmacies have chosen not to file criminal charges against Respondent. Four pharmacists testified that Respondent is an excellent pharmacist who has always conducted himself professionally with customers. (Testimony of Dan Ashenfelder, Tom McLaughlin, John Daniels, Jerry Brown, Respondent).

CONCLUSIONS OF LAW

1. 1989 Iowa Code section 155A.12 provides, in part, the following:

. . . The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or 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.

. . .

5. Violated any provision of the controlled substances Act or rules relating to that Act.

2. 1989 Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:

a. Fraud, deceit, misrepresentation, or subterfuge.

. . .

c. Concealment of a material fact.

3. Iowa Code section 204.308 provides, in part, the following:

3. . . . [A] controlled substance included in schedule III or IV, which is a prescription drug . . . shall not be dispensed without a written or oral prescription of a practitioner.

4. Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308; . . .

5. Iowa Code section 204.403(1) provides, in part, the following:

It is unlawful for any person knowingly or intentionally: . . .

c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; . . .

6. 1989 Iowa Code Supplement section 204.401 provides, in part, the following:

1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a counterfeit substance, or a simulated controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, a counterfeit substance, or a simulated controlled substance.

. . .

c. Violation of this subsection with respect to the following controlled substances, counterfeit substances, or simulated controlled substances is a class "C: felony, and in addition to the provisions of section 902.9, subsection 3, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars; . . .

(6) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in schedule I, II, or III.

7. 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d)(2), and 9.1(4)(u) provide:

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: . . .

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

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.

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.

8. The preponderance of the evidence established that Respondent violated Iowa Code sections 155A.12(1), (5); 155A.23(1)(a) and (c); 204.308(3); 204.402(1); 204.403(1)(c); 204.401 and 657 Iowa Administrative Code section 9.1(4)(c) when he took 5,644 doses of various schedule III narcotics for his own use from several pharmacies where he was employed. The schedule III controlled substances were not prescribed for Respondent by a practitioner and Respondent did not pay for them. Respondent made no records concerning the dispensing of these drugs, and his employers were not aware that he was taking them.

9. The preponderance of the evidence established that Respondent violated Iowa Code section 155A.12(1) and 657 Iowa Administrative Code section 9.1(4)(d)(2) by his habitual addiction to and excessive use of drugs.

DECISION AND ORDER

THEREFORE, IT IS THE ORDER of the Iowa Board of Pharmacy Examiners that License Number 14149 issued to the Respondent, Steven D. Bartlett, is suspended for a period of one year. However, the suspension is stayed and Respondent is placed on probation for a period of five (5) years upon the following terms and conditions:

1. Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, an aftercare program recommended by his counselors at Trinity Recovery Center. In quarterly reports to the Board, Respondent and his counselors shall provide documentary evidence of continuing participation in this aftercare program.

2. Respondent shall submit to biological fluid testing, at least quarterly, or upon the request of the Board of its designee.

3. Respondent shall not have any legal or beneficial interest in any business, firm, partnership, or corporation currently or hereinafter licensed by the Board and shall not own any pharmacy.

4. Respondent shall not manage, administer or be the pharmacist in charge of any pharmacy.

5. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.

6. Respondent shall submit to peer review as deemed necessary by the Board.

7. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

8. Respondent shall notify all present and prospective employers of the decision in this case and the terms, conditions and restriction imposed on respondent by said decision.

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking new employment, respondent shall cause his/her employer to report to the Board in writing acknowledging the employer has read the decision in this case.

9. Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.

10. Should 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. Should respondent violate probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is

filed against 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, respondent's certificate will be fully restored.

Dated this 4th day of February, 1991.

Melba L. Scaglione
Melba Scaglione, Chairperson
Iowa Board of Pharmacy Examiners

Margaret LaMarche
Margaret LaMarche
Administrative Law Judge

ML/jmm