

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

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Re:	)	Case No. 2002-13017
Pharmacist License of	)	
<b>DEWEY A. BROWN</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 13017	)	
Respondent	)	

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**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 (2001).
3. On June 17, 1964, the Board issued Respondent, Dewey A. Brown, a license to engage in the practice of pharmacy by examination as evidenced by license number 13017, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 13017 is current and active until June 30, 2002.
5. The Respondent's current address is 1554 SE Linn, Boone, Iowa 50036.
6. Upon information and belief the Respondent is not currently employed as a pharmacist. The Respondent was employed as a pharmacist at the Hy Vee Pharmacy in Boone, Iowa during times relevant to this statement of charges.

**COUNT I**

The Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code § 155A.21 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.1(4)(u).

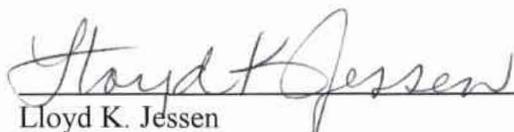
## COUNT II

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 § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(u).

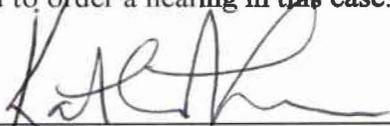
### THE CIRCUMSTANCES

1. On or about April 5, 2002, the Board received information from the Respondent's former employer reporting that the Respondent had been terminated from his position as a pharmacist at the Hy Vee Pharmacy in Boone, Iowa because he had diverted controlled substances from the pharmacy.
2. The Respondent's co-workers at Hy Vee Pharmacy observed him taking and ingesting controlled substances while working at the pharmacy.
3. The Respondent was captured on videotape taking controlled substances from the pharmacy where he worked.
4. The Respondent's co-workers reported that they had observed the Respondent undergo frequent mood swings.
5. During the Board's investigation of the allegations in paragraphs 1 through 4, the Respondent admitted to diverting controlled substances without a prescription for his own use and indicated that he had begun taking hydrocodone 5/500 mg in January of 1999.
6. The Respondent submitted to a screening at Powell Chemical Dependency Center. The health care professional at Powell recommended that the Respondent receive further evaluation and monitoring, including intensive outpatient treatment.

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 18 day of June, 2002, 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. "KAP" Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re:	)	<b>ORDER</b>
Pharmacist License of	)	<b>ACCEPTING</b>
<b>DEWEY A. BROWN</b>	)	<b>SURRENDER OF</b>
License No. 13017	)	<b>PHARMACIST LICENSE</b>
	)	

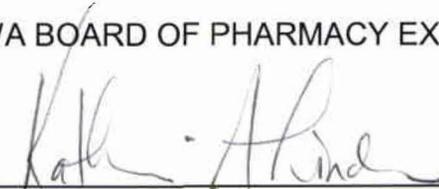
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**COMES NOW**, Katherine A. Linder, Chairperson of the Iowa Board of Pharmacy Examiners, on the 6<sup>th</sup> day of August, 2002, and declares that:

1. On June 18, 2002, the Board issued a Statement of Charges to the Respondent.
  
2. On August 1, 2002, Respondent executed a voluntary surrender of his pharmacist license number 13017 pursuant to 657 Iowa Administrative Code § 36.15. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.
  
3. On August 6, 2002, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

**WHEREFORE**, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 13017 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 36.13, said surrender shall be considered a revocation of registration with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS

  
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Katherine A. Linder, Chairperson

## **VOLUNTARY SURRENDER OF PHARMACIST LICENSE**

I, Dewey A. Brown, a resident of 1554 SE Linn, Boone, Iowa 50036, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my pharmacist license in the State of Iowa, number 13017, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Dewey A. Brown, being affixed to this voluntary surrender document.

I, Dewey A. Brown, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure as a pharmacist pursuant to Chapter 155A, Code of Iowa (2001).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, Dewey A. Brown, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 36.13, which provides as follows:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended must meet the following eligibility requirements.

1. Must have satisfied all the 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 and conditions upon which reinstatement might occur, or if the license, registration or permit 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.

2. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX<sup>®</sup>) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE<sup>®</sup>), Iowa Edition.

3. All proceedings for reinstatement shall be initiated by the Respondent who shall file with the board an application for reinstatement of the license, registration, or permit. 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 or procedure as other cases before the board. The board and the Respondent may informally settle the issue of reinstatement. The Respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657—36.14(17A, 124B, 147, 155A, 272C).

4. 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, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the Respondent.

5. An order for reinstatement shall be based upon a decision which incorporates findings of facts 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.

I, Dewey A. Brown, hereby further acknowledge that I shall not engage in any of the practices or aspects of a pharmacist in the State of Iowa for which a license is required.

Aug. 1, 2002  
Date of signature

Dewey A. Brown  
Dewey A. Brown

State of Iowa

County of Boone

Subscribed and sworn to (or affirmed) before me on this 1<sup>st</sup> day of August, 2002 by Dewey A. Brown.

Joie L Creasman  
NOTARY PUBLIC

(Seal or Stamp)

My commission expires 3/10/05

