

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

Re:)	Case No. 2000-17827
Pharmacist License of)	
JEFFREY J. DORHOUT)	STATEMENT OF CHARGES
License No. 17827)	
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 (1999).
3. On July 27, 1992, the Board issued Respondent, Jeffrey J. Dorhout, a license to engage in the practice of pharmacy by examination as evidenced by license number 17827, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 17827 is current and active until June 30, 2002.
5. Respondent's current address is 1002 N. Elm, Luvurne, Minnesota 56156.
6. Upon information and belief, Respondent is currently practicing as a pharmacist in Minnesota and has been practicing as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code § 36.1(4)(k) with failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country within 30 days after a final decision entered by the licensing authority.

COUNT II

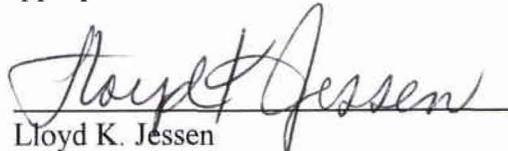
The Respondent is charged under Iowa Code § 155A.12(10) (1999) and 657 Iowa Administrative Code § 36.1(4) with having had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in

Iowa Code subsections 155A.12(1) through (9).

THE CIRCUMSTANCES

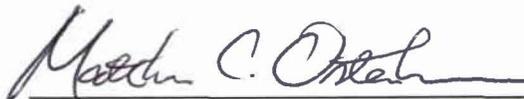
1. On or about July 3, 2000, the Board office received Respondent's application for license renewal, which included information that the State of Minnesota had taken disciplinary action against Respondent's license in September, 1999.
2. The Notice of Conference With Committee on Professional Standards filed against Respondent's license filed in Minnesota accused Respondent of conduct that would subject the Respondent to discipline in the State of Iowa pursuant to Iowa Code subsections 155A(1) through (9). A copy of the Notice of Conference With Committee on Professional Standards is attached hereto as "Exhibit A" and incorporated herein by reference.
3. On September 12, 1999, Respondent entered into a Stipulation and Order to resolve Minnesota's disciplinary action against his license. The Minnesota Board of Pharmacy Examiners adopted the Stipulation and Order on September 15, 2000. Copies of the Stipulation and Order are attached hereto as "Exhibit B" and incorporated herein by reference.
4. The "Stipulation and Order" indefinitely suspended Respondent's license to practice pharmacy in the State of Minnesota indefinitely, but stayed the suspension and placed Respondent's license on probation until at least January 1, 2002.

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 12th day of Sept., 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Matthew C. Osterhaus, 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**

Re:)	Case No. 2000-17827
Pharmacist License of)	
JEFFREY J. DORHOUT)	STIPULATION
License No. 17827)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Jeffrey J. Dorhout, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on September 12, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on July 27, 1992, by examination as evidenced by Pharmacist License Number 17827, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 17827, issued to and held by Respondent is active and current until June 30, 2002.
3. Respondent is currently practicing as a pharmacist in the State of Minnesota and

has been practicing as such during all times relevant to this case.

4. A Statement of Charges was filed against Respondent on September 12, 2000.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the suspension of his license to practice pharmacy in Iowa.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be suspended indefinitely, provided that the suspension is stayed and the Respondent's license shall be immediately placed on probation indefinitely, under the following terms and conditions:
 - a. Respondent shall not consume alcohol.
 - b. 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 treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
 - c. Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with any drug

therapy ordered by Respondent's physician, all costs of which shall be paid by the Respondent. Provided however, that as long as the Respondent is participating in HPSP as required in subparagraph 7(k), the Respondent will not be required to provide separate blood or urine specimens to the Board as long as the Respondent consents to allow HPSP to release the results of all blood or urine screening conducted by HPSP to the Board.

- d. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than January 15, April 15, July 15, and October 15 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.
- f. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 7 (e) above,

statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

- g. Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
- h. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
- i. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- j. Respondent shall not serve as the pharmacist in charge of a pharmacy.
- k. As required in Respondent's Stipulation and Order with the Minnesota Board of Pharmacy, if he has not already done so, within twenty days of the date of this Order, Respondent shall enter into a program agreement with HPSP. Respondent shall participate with HPSP until he successfully completes the program by fulfilling the terms of the program participation agreement as determined with HPSP.
- l. During probation, Respondent shall inform the Board in writing within ten

(10) days of any change of home address, place of employment, home telephone number, or work telephone number.

- m. Respondent shall notify all present and prospective employers (including the pharmacist in charge) of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document.

Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

- n. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for five years from the date of the Board's approval of this Stipulation and Consent Order.

- 8. In the event the Respondent moves to Iowa during the term of his probation, he shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under

the direct support of a pharmacist advocate. Respondent shall sign a contract with IPRN within 10 days of moving to Iowa and shall provide evidence of the agreement to the Board within 10 days of signing the agreement. In the event the Respondent moves to Iowa during the probationary period, he shall also provide the Board with any and all information relating to status of his participation in HPSP. In the event the Respondent wishes to discontinue participation in HPSP, the Board will review the Respondent's progress in HPSP and determine whether his IPRN agreement sufficiently addresses the Respondent's needs. If the Board, in its sole discretion, does not believe participation in the IPRN, by itself, is sufficient to address the Respondent's needs, the Board reserves the right to amend this Stipulation and Consent Order and require respondent to receive additional treatment to be specified by the Board.

9. Respondent may petition the Board for the termination of probation no sooner than January 1, 2002. Any such petition shall be in writing and include:
 - a. An affidavit from Respondent indicating whether he has fully abided by the terms and conditions set forth under paragraph 7.
 - b. A written statement from HPSP indicating whether Respondent has successfully completed all program requirements;
 - c. Written evidence that Respondent has paid the restitution required in paragraph 3(c) of the Respondent's Stipulation and Order with the Minnesota Board of Pharmacy; and
 - d. Evidence from the Minnesota Board of Pharmacy that the Respondent has

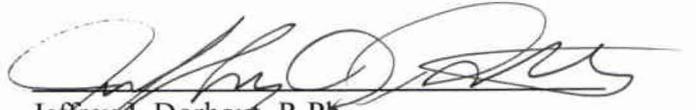
been released from probation with the Minnesota Board of Pharmacy.

10. Any petition submitted in accordance with paragraph 9 shall be considered by the Board at its first regular meeting after the petition's receipt, provided that the petition is received at least 14 days before the meeting and Respondent is present at the meeting. The Respondent shall bear the burden of establishing that it is appropriate to release him from probation.
11. The Board shall grant a petition submitted in accordance with paragraphs 9 and 10 if it determines that the preponderance of all information received indicates that Respondent:
 - a. Has fully complied with all of the terms, conditions, and requirements of probation of the Board;
 - b. Has successfully completed HPSP;
 - c. Has paid restitution as required by paragraph 3 (c) of the Respondent's Stipulation and Order with the Minnesota Board of Pharmacy; and
 - d. Is physically, mentally, and emotionally capable of practicing pharmacy in a professional manner and with reasonable skill and safety to the public absent the requirements of probation.
12. If the Board denies Respondent's petition, Respondent shall not submit another petition earlier than one hundred eighty (180) days from the date of denial.
13. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, is discharged from HPSP for noncompliance, if he pleads guilty to or is otherwise convicted of any crime related to the practice of

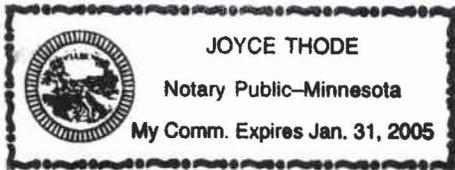
pharmacy, or if he is for any reason rendered incapable of practicing pharmacy with reasonable skill and safety to the public, the Board may initiate action to remove the stay provided under paragraph 7 and suspend the Respondent's license for an indefinite period of time. In its sole discretion, the Board instead may extend the period of probation and its associated requirements. During any period of suspension ordered under this part, Respondent shall not work in any pharmacy nor shall he prepare, package, compound, dispense or sell any drug, medicine, chemical or poison at any location in this state or supervise or assist another in doing so.

14. In the event the Board indefinitely suspends the Respondent's license as provided in paragraph 12, Respondent shall not petition for reinstatement earlier than one year from the date of suspension.
15. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
16. This proposed settlement 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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
17. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

18. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 6 day of Nov, 2000.


Jeffrey J. Dorhout, R.Ph.
Respondent

Subscribed and sworn to before me by Jeffrey J. Dorhout on this 6th day of November, 2000.




NOTARY PUBLIC IN AND FOR THE
STATE OF ~~IOWA~~ Minnesota

19. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 14 day of Nov., 2000.


MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
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