

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

Re:)
Pharmacist License of)
RONALD E. DOTZLER) **STATEMENT OF CHARGES**
License No. 17244)
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 124, 155A, and 272C (1997).
3. On July 26, 1989, Ronald E. Dotzler, the Respondent, was issued license number 17244 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 17244 is current and active until June 30, 1999.
5. Respondent's current address is 210 North Jefferson Avenue #1, Mason City, Iowa 50401.
6. Respondent was employed as the pharmacist in charge of the Easter Family Center Pharmacy, 300 Gilbert Street, Charles City, Iowa 50616, until August 5, 1998.

COUNT I

The Respondent is charged under Iowa Code Sections 124.308, 155A.12(1), 155A.12(2), and 155A.12(3) (1997) and 657 Iowa Administrative Code Sections 8.5(1), 9.1(4)(b), 9.1(4)(h), 9.1(4)(j), and 9.1(4)(u) with dispensing prescription drugs, including controlled substances, without prescriber authorization.

COUNT II

The Respondent is charged under Iowa Code §§ 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.12(1), 155A.12(4), and 155A.12(5) (1997) and 657 Iowa Administrative Code §§ 6.8, 9.1(4)(j), and 9.1(4)(u) with failing to provide accountability for controlled substances at the Easter Family Center Pharmacy.

THE CIRCUMSTANCES

1. On July 9, 1998, the board received a report which alleged that Respondent had repeatedly dispensed controlled substances to a patient without prescriber authorization.

2. An investigation and audit by a board investigator revealed that Respondent had unlawfully dispensed the following controlled substances to "Jane Doe": hydrocodone (C-III) on seven occasions, totaling 360 tablets, between May 22, 1998, and July 2, 1998, and alprazolam (C-IV) on five occasions, totaling 300 tablets, between May 22, 1998, and June 25, 1998. The results of the investigation also indicated that Respondent had unlawfully dispensed controlled substances to other patients during 1997 and 1998.

3. An accountability audit of certain controlled substances at the Easter Family Center Pharmacy for the time period beginning May 1, 1997, and ending July 15, 1998, revealed the following shortages:

- (a) a shortage of 523 tablets of Alprazolam 0.5 mg
- (b) a shortage of 122 tablets of Alprazolam 1.0 mg
- (c) a shortage of 10 tablets of Alprazolam 2.0 mg
- (d) a shortage of 75 tablets of Ambien 5mg
- (e) a shortage of 309 tablets of Lorazepam 0.5 mg
- (f) a shortage of 38 tablets of Lorazepam 1.0 mg
- (g) a shortage of 1,806 tablets of Hydrocodone/APAP 5/500
- (h) a shortage of 10,190 tablets of Hydrocodone/APAP 7.5/500
- (i) a shortage of 530 tablets of Lortab 7.5/500
- (j) a shortage of 131 tablets of Vicodin ES 7.5/750
- (k) a shortage of 4 units of Stadol-NS
- (l) a shortage of 79 tablets of Darvocet N-100
- (m) a shortage of 134 tablets of Clorazepate 7.5 mg
- (n) a shortage of 99 tablets of Hydrocodone/APAP 10/500

4. On August 5, 1998, Respondent admitted to a board investigator that he was responsible for the shortages of controlled substances at the Easter Family Center Pharmacy but offered no further explanation.

5. On August 5, 1998, Respondent was arrested and charged with seven (7) class "C" felonies and five (5) aggravated misdemeanors by the Floyd County Sheriff's Department, Charles City, Iowa. The criminal charges resulted from the unlawful dispensing of hydrocodone, a Schedule III controlled substance, and alprazolam, a Schedule IV controlled substance.

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 16th day of September, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Arlan D. Van Norman, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:)	
Pharmacist License of)	ORDER
RONALD E. DOTZLER)	ACCEPTING
License No. 17244)	SURRENDER OF LICENSE
Respondent)	TO PRACTICE PHARMACY

COMES NOW, Arlan D. Van Norman, Chairperson of the Iowa Board of Pharmacy Examiners, on the 16th day of September, 1998, and declares that:

1. On August 5, 1998, Respondent executed a voluntary surrender of his pharmacist license number 17244 pursuant to 657 Iowa Administrative Code § 9.25. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.

2. On September 16, 1998, the Board issued a Statement of Charges to the Respondent.

3. On September 16, 1998, the Board reviewed Respondent's voluntary surrender of his license to practice pharmacy and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 17244 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 9.25, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Arlan D. Van Norman, Chairperson

V O L U N T A R Y S U R R E N D E R O F
L I C E N S E T O P R A C T I C E P H A R M A C Y

I, Ronald E. Dotzler, of 210 North Jefferson Avenue #1, Mason City, Iowa, do hereby voluntarily surrender my license to practice pharmacy in the State of Iowa, number 17244, 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, Ronald E. Dotzler, being affixed to this voluntary surrender document.

I, Ronald E. Dotzler, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly 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 pursuant to Chapter 155A, Code of Iowa 1997.
- (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, Ronald E. Dotzler, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a license to practice pharmacy 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 9.23, which provides as follows:

Any person whose license to practice pharmacy...has been revoked...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 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 must successfully pass NABPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.

3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license. Such application shall be docketed in the original case in which the license 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. 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 657-9.24(17A,147,155A,204B,258A).
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 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, Ronald E. Dotzler, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

Aug 08-05-98

Date of Signature

Ronald Dotzler

Ronald E. Dotzler

Subscribed and Sworn to before me on this 5th day of

August, 1998.

Roxanne Meyers

NOTARY PUBLIC IN AND FOR THE

STATE OF IOWA



RECEIVED

DEC 15 1999

LAW OFFICES OF
STORY, SCHOEBERL & KOWALKE, L.L.P. IOWA PHARMACY EXAMINERS

126 NORTH ELM STREET
P.O. BOX 89
CRESCO, IOWA 52136-0089

ROBERT H. STORY, P.C.
KEVIN E. SCHOEBERL, P.C.
TODD W. KOWALKE, P.C.

PHONE (319) 547-3329
FAX (319) 547-2578

December 8, 1999

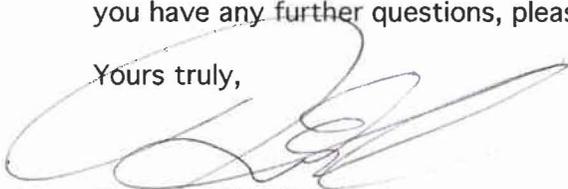
E.Ray Shelden, R. Ph.
Iowa Board of Pharmacy Examiners
Controlled Drug Division
400 8th Street S.W.
Des Moines, Iowa 50319

RE: **State of Iowa vs. Ronald Eugene Dotzler**
Floyd County Case No. FECR012631

Dear Mr. Shelden:

Enclosed for your records is an original signed **Voluntary Agreement to a Lifetime Barment of License to Practice Pharmacy** signed by Ronald E. Dotzler on December 8, 1999. An original of this same agreement has been filed with the Floyd County Clerk of Court in the above titled case. I believe this concludes this matter, if you have any further questions, please contact me.

Yours truly,



Kevin E. Schoeberl
KES:au
Enclosure

client

VOLUNTARY AGREEMENT TO A
LIFETIME BARRMENT OF LICENSE TO
PRACTICE PHARMACY

I, Ronald E. Dotzler, of 19803 170th Street, Cresco, Iowa 52136, being first duly sworn and under oath state the following:

1. That on August 5, 1998 I voluntarily surrendered my license to practice pharmacy in the State of Iowa (#17244) to the Iowa Board of Pharmacy Examiners, for an indefinite period of time.

2. I now agree to a lifetime barrment of my license to practice pharmacy within the State of Iowa, precluding me from filing any future application for reinstatement of my pharmacy license.

This voluntary agreement to a lifetime barrment of my license to practice pharmacy in the State of Iowa, shall become effective upon the notarized signature of the licensee, Ronald E. Dotzler, being affixed to this Voluntary Agreement document.

I, Ronald E. Dotzler, do hereby further acknowledge that by voluntarily signing this Agreement to a life time barrment that I am knowingly giving up the exercise of the following legal rights:

- 1) My right to a formal hearing or any future hearing(s) before the Iowa Board of Pharmacy examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1999.
- 2) My right to be represented by an attorney in preparation for and during such formal hearing(s) 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(s).
- 4) My right to be represented by an attorney in this matter at this time.
- 5) My right to file a request for reinstatement of my pharmacy license during my lifetime.

I, Ronald E. Dotzler, do hereby acknowledge that pursuant to 657 Iowa Administrative Code Section 9.25, a license to practice pharmacy 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 9.23, which provides as follows:

Any person whose license to practice pharmacy.....has been revoked.....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 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 must successfully pass NABPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.
3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license. Such application shall be docketed in the original case in which the license 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. 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 657-9.24 (17A, 147, 155A, 204B, 258A).

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 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 agree to waive the above rights and any other rights provided by 657 Iowa Administrative Code Section and applicable chapters of the Iowa Code to a request for reinstatement during my lifetime.

I, Ronald E. Dotzler, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required, during my life.

12-8-99
Date of Signature

Ronald E. Dotzler
Ronald E. Dotzler

Subscribed and Sworn to before me on this 8th day of December, 1999.



Melinda Murphy
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

IN THE IOWA DISTRICT COURT IN AND FOR FLOYD COUNTY

STATE OF IOWA,) CASE NO. FECR012631
Plaintiff,)
vs.) REPORT TO THE COURT
RONALD E. DOTZLER,)
Defendant.)

COMES NOW Attorney Kevin E. Schoeberl attorney for the Defendant Ronald E. Dotzler states:

1. Attached hereto is an original signed **Voluntary Agreement to a Lifetime Barrment of License to Practice Pharmacy** signed by Ronald E. Dotzler on December 8, 1999, pursuant to the Judgment and Sentencing order entered by the Iowa District Court on December 6, 1999.

Dated this 8th day of December, 1999.

STORY, SCHOEBERL & KOWALKE LAW FIRM

By: 

Kevin E. Schoeberl, HO 0008554
126 North Elm Street, PO Box 89
Cresco, Iowa 52136
(319) 547-3329
Attorney for Defendant
Ronald E. Dotzler

Original Filed

cc:
Marilyn Dettmer
Floyd County Attorney
101 South Main Street
Charles City, Iowa 50616

E. Ray Shelden
Iowa Board of Pharmacy Examiners
Controlled Drug Division
400 8th Street S.W.
Des Moines, Iowa 50319

client