

BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacy License of) Licensee Disciplinary Action:
David L. Duffy)
No. 15924) Decision and Order

Statement of Case:

Pursuant to Chapter 17A, Iowa Administrative Procedures Act, a hearing was held on December 8, 1981, before the Iowa Board of Pharmacy Examiners and Hearing Officer Dennis D. Killion, for the purpose of determining whether or not disciplinary action against the license of David L. Duffy, license #15924, is warranted. Due notice of time, date and place of hearing had been issued. Board members present were: Mr. Max W. Eggleston, Mrs. Vennetta Fiedler, Mr. Angelo J. Palmer, Mr. Gale W. Stapp, and Mrs. Margo L. Underwood. Assistant Attorney General Thomas D. McGrane presented the case for the Board. David L. Duffy appeared with his chemical substance treatment counselor, Kerry T. Bartlett.

Findings of Fact:

The hearing officer, from the evidence in the record, finds that: David L. Duffy was a licensed pharmacist employed at Southside Drug, 307 Church St., Ottumwa, Iowa. Mr. Duffy was discharged from his employment at Southside Drug on August 10, 1981. The circumstances leading up to Mr. Duffy's discharge from employment are the relevant facts pertaining to the question of whether any action should be taken regarding the pharmacist license held by David L. Duffy. David L. Duffy has admitted that he diverted controlled substances to his personal use while working at Southside Drug. Mr. Duffy also has admitted to diverting controlled substances to his personal use while employed as a pharmacy intern at Pearson's Drug, 202 N. Linn, Iowa City, Iowa, and Pearson's Towncrest Pharmacy, 2400 Towncrest Drive, Iowa City, Iowa. David L. Duffy admitted that he has had a long, existing drug and alcohol problem. The record clearly shows and Mr. Duffy has admitted to diverting these controlled substances to his own personal use and for his own habituation.

Reasonings and Conclusions of Law:

Section 147.55(4), The Code, reads as follows: "Grounds. A license to practice a profession shall be revoked or suspended when licensee is guilty of any of the following acts or offenses:

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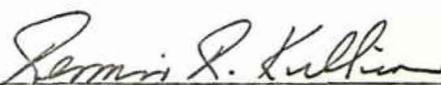
"4. Habitual intoxication or addiction to the use of drugs."

Based upon the evidence presented, the Iowa Board of Pharmacy Examiners has recommended that the license of David L. Duffy be suspended until December 8, 1982. The hearing officer is in agreement with the recommendation of the Iowa Board of Pharmacy Examiners. The decision is within legal bounds and the facts established on the record convince the hearing officer that the recommendation is correct. The record clearly shows, and Mr. Duffy has admitted, that he diverted controlled substances to his own personal use and for his own habituation. The disciplinary action announced herein concerning Mr. Duffy's license to practice pharmacy is warranted as a measure to protect the consuming public which he would serve.

Decision:

It is the decision of the Board of Pharmacy Examiners that the license to practice pharmacy of David L. Duffy (#15924) be suspended for one (1) year beginning December 8, 1981 and ending December 8, 1982. Reinstatement on December 8, 1982 shall be conditioned upon the following: (1) Mr. Duffy continue with the current counseling and treatment program through the Mid-Eastern Communities Council on Alcoholism (MECCA) program in Iowa City or another such program through a cooperative agreement with the MECCA program; (2) Mr. Duffy agree to undergo periodic urine and/or blood screening examinations at his own expense and at a time and place to be determined by the executive secretary of the Board of Pharmacy Examiners or his designee; (3) Mr. Duffy provide the necessary releases in order that his treatment counselor may submit progress reports to the board office on a monthly basis to be received in the board office no later than 10 days from January 1, 1982; February 1, 1982; and March 1, 1982. Thereafter, such progress reports shall be submitted on a quarterly basis to be received in the board office no later than 10 days from June 1, 1982; September 1, 1982; and December 1, 1982.

If these terms are met to the Board's satisfaction and no other conditions warrant continued suspension, the license to practice pharmacy for David L. Duffy shall be reinstated after his appearance before the board prior to the reinstatement date.



Dennis D. Killion
Hearing Officer