

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

Re:	)	Case No. 2002-15140
Pharmacist License of)	
DAVID J. EASTON	)	STATEMENT OF CHARGES
License No. 15140)	
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 (2001).
3. On October 4, 1977, the Board issued Respondent, David J. Easton, a license to engage in the practice of pharmacy by examination as evidenced by license number 15140, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15140 is current and active until June 30, 2002.
5. Respondent's current address is 3640 140th Avenue. Everly, Iowa 51338.
6. Respondent is currently employed as the pharmacist in charge at Medicap Pharmacy, 831 Grand Avenue North, Spencer, Iowa 51301 and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code § and 6.2(1)(k) with failing to ensure that the pharmacy where he serves as pharmacist in charge has a sink with hot and cold running water within the prescription department as required by 657 Iowa Administrative Code 6.5(3).

COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 6.2(1)(f) and 6.2(1)(k) with failing to ensure that the pharmacy where he serves as pharmacist in charge has policies and procedures for the training and utilization of pharmacy technicians as required by 657 Iowa Administrative Code § 22.16.

COUNT III

The Respondent is charged under Iowa Code § 155A.12(1) and 657 Iowa Administrative Code § 10.13(6) with violating the rules governing partial filling of schedule II controlled substances.

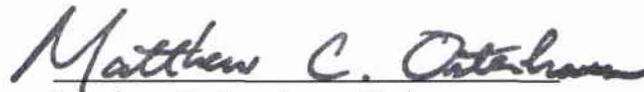
THE CIRCUMSTANCES

1. On or about September 19, 2001, the Board received a complaint about the Respondent's handling of a prescription for a schedule II controlled substance.
2. During the Board's investigation of the complaint described in paragraph 1, the Board investigator discovered that the pharmacy where the Respondent serves as pharmacist in charge did not contain hot running water.
3. Upon review of previous inspection report, the Board investigator discovered that the lack of hot running water had been noted on another inspection report approximately 2 years earlier, but had not been rectified.
4. During the Board's investigation of the complaint described in paragraph 1, the Board investigator discovered that the pharmacy where the Respondent serves as the pharmacist in charge did not have policies and procedures for the training and utilization of pharmacy technicians in place.
5. The inspection report from approximately two years earlier also noted the lack of policies and procedures for technicians.
6. During the Board's investigation of the complaint described in paragraph 1, it was apparent to the Board's investigator that the Respondent's pharmacy, and the Respondent himself, was not properly handling partial fills of schedule II controlled substances.
7. The inspection report from approximately two years ago had also noted the handling of schedule II controlled substances as an area needing correcting.

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 4th day of March, 2002, 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. 2002-15140
Pharmacist License of)	
DAVID J. EASTON	)	STIPULATION
License No. 15140	)	AND
Respondent	)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and David J. Easton, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), 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 the Respondent on March 4, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on October 4, 1977, by examination as evidenced by Pharmacist License Number 15140, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 15140 issued to and held by the Respondent is active and current until June 30, 2002.
3. The Respondent is currently self-employed as the pharmacist-in-charge at Medicap

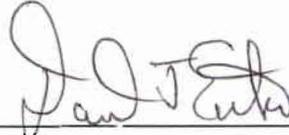
Pharmacy, 831 Grand Avenue North, Spencer, Iowa 51301 and has been employed as such during all times relevant to this case.

4. A Statement of Charges was filed against the Respondent on March 4, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent agrees to accept a citation and warning for the alleged violations set forth in the Statement of Charges.
8. Respondent shall ensure that the pharmacy (prescription department) at the pharmacy where he serves as pharmacist in charge has a sink with hot and cold running water as required by 657 Iowa Administrative Code § 6.5(3). Respondent shall monitor its compliance with this requirement with monthly checks for one year from the date the Board accepts this Stipulation and Consent Order. Respondent shall record the monthly checks and make such records available to the Board or agents of the Board upon request.
9. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete the following continuing pharmacy education (CPE) courses: (1) DEA Handling Requirements for Community Pharmacies (1.0 hours) -- ACPE #406-999-00-038-H03, (2) DEA Dispensing Requirements for Community Pharmacies (1.0 hours) -- ACPE #406-999-00-039-H03, and (3) DEA Reporting, Enforcement and Audits (1.0 hours) --

12. The Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the 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 the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he works under to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
13. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
14. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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.
15. 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.

16. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

17. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 12 day of July, 2002



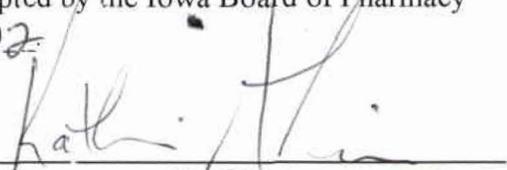
David J. Easton, R.Ph.
Respondent

Subscribed and sworn to before me by David J Easton on this 12th day of July, 2002




NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

18. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 6th day of Aug., 2002



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
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:	)	Case No. 2008-87
Pharmacist License of)	
DAVID J. EASTON	)	STATEMENT OF CHARGES
License No. 15140,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy 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 (2009).
3. On October 4, 1977, the Board issued David J. Easton (hereinafter "Respondent"), after examination a license to engage in the practice of pharmacy as evidenced by license number 15140 subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2010.
5. Respondent's most recent address of record is 3640 140th Avenue, Everly, Iowa 51338.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at Walgreens, 800 Grand Avenue, Spencer, Iowa 51301.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1), 155A.21 and 155A.23 (2009) and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

COUNT II – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code §§ 124.403(c) and 155A.12(5) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT III – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code § 155A.12(1) (2009) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to himself in the absence of a prescription.

COUNT IV – LACK OF PROFESSIONAL COMPETENCY

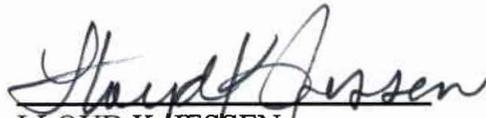
Respondent is charged under Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful or repeated departures from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa as evidenced by Respondent's two-year course of diversion and use of drugs.

B. CIRCUMSTANCES

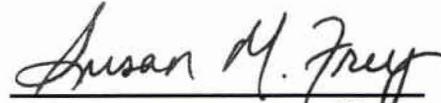
An investigation was commenced on or about April 6, 2008, which revealed the following:

1. Respondent had been working as a pharmacist at Walgreens, 800 Grand Avenue, Spencer, Iowa 51301, until terminated from employment on August 29, 2008.
2. Termination by Walgreens occurred after Respondent was videotaped while taking tablets from a stock bottle of Alprazolam, and dropping the tablets in his pocket.
3. Respondent signed a statement admitting to diverting less than 100 tablets of Alprazolam over a two year period. Respondent further agreed to repay Walgreens for the stolen tablets.
4. Walgreens' audit for the period 6-10-07 through 9-12-08, during which time Respondent was employed in the store, revealed shortages of Alprazolam 0.5 mg (-1224 tablets), Clonazepam 2 mg. (-358 tablets) and Lorazepam 1 mg (-982 tablets).
5. A criminal information containing three counts was filed against Respondent on October 9, 2008.
6. Following a plea of guilty, a deferred judgment to a serious misdemeanor (illegal possession of a prescription drug) was entered against Respondent in Clay County District Court on October 27, 2008.

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 Director

On this 17 day of August 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN M. FREY, Vice Chair
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

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

Re:)	Case No. 2010-102
Pharmacist License of)	
DAVID J. EASTON	)	STATEMENT OF CHARGES
License No. 15140,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy 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 (2009).
3. On October 4, 1977, the Board issued David J. Easton (hereinafter "Respondent"), after examination a license to engage in the practice of pharmacy as evidenced by license number 15140 subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's most recent address of record is 3640 140th Avenue, Everly, Iowa 51336.
6. At all times material to this statement of charges, Respondent was self-employed as the owner and pharmacist in charge of Medicap Pharmacy in Spencer, Iowa, from about 1991 through about September 2006.
7. Respondent received a Statement of Charges on August 17, 2009, which alleged the following: (1) unlawful possession of prescription drugs; (2) violation of controlled substance laws; (3) illegal distribution of drugs; and (4) lack of professional competency. The formal disciplinary process initiated by this Statement of Charges is currently pending before the Board and is unresolved.
8. Respondent was previously disciplined by the Board on August 6, 2002, following allegations that he had repeatedly failed to comply with minimum standards for operating a pharmacy and that he violated rules governing the filling of prescriptions for controlled substances.

A. CHARGES

COUNT I – FRAUD

Respondent is charged with making misleading, deceptive, untrue and fraudulent representations in the practice of pharmacy in violation of Iowa Code § 147.55(3) (2009), Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(c), 36.1(4)(i), 36.1(4)(j) and 36.1(4)(t).

COUNT II – UNETHICAL CONDUCT

Respondent is charged with unethical conduct in violation of Iowa Code § 155A.12(2) (2009) and 657 Iowa Administrative Code §§ 8.11 and 36.1(4)(u).

B. CIRCUMSTANCES

Board investigative files reveal the following:

1. The Board received a complaint from pharmacy technician Ashley Stone on June 22, 2006, which alleged that Respondent was fraudulently billing the Iowa Medicaid program (Title XIX) and private insurance companies for prescriptions that were never dispensed. The Board forwarded this information to state and federal authorities for investigation and prosecution.

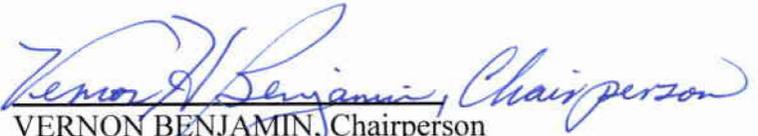
2. On August 30, 2010, Respondent accepted a plea agreement with the U.S. Attorney's Office in the Northern District of Iowa. Under the terms of that agreement, Respondent will waive Indictment and plead guilty to an Information that will charge four counts. The charges will include two counts of health care fraud for knowingly and willfully executing schemes to defraud health care benefit programs (1) Medicaid and (2) Coventry Health Care, in violation of 18 U.S.C. § 1347; one count of money laundering for engaging in monetary transactions greater than \$10,000 using proceeds derived from criminal activity, in violation of 18 U.S.C. § 1957; and one count of aggravated identity theft for using the identities and Medicaid identification numbers of patients, in violation of 18 U.S.C. § 1028A. Respondent also agrees to the entry of a judgment of forfeiture pursuant to the forfeiture allegation included in the Information.

3. Prior to 1991, Respondent was employed as the pharmacist in charge of White Drug in Spencer, Iowa, and was accused of submitting fraudulent prescriptions to MSI Insurance. Respondent admitted his conduct in 1991, paid restitution of approximately \$5,000, and avoided criminal prosecution.

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 Director

On this 28 day of Sept. 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


VERNON BENJAMIN, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

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VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, David J. Easton, a resident of Everly, Iowa, 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 State of Iowa pharmacist license, number 15140, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

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

- (1) My right to a formal hearing before the Iowa Board of Pharmacy on the matter of my continued licensure as a pharmacist pursuant to Iowa Code chapter 155A (2009).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- (3) My right to submit evidence and to call witnesses on my own behalf at a formal hearing.

I, David J. Easton, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

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 shall meet the following eligibility requirements for reinstatement:

36.13(1) Pre-requisites. The individual shall satisfy all 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.

36.13(2) Pharmacist license revoked or surrendered--examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. 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 36.14 (17A, 124B, 147, 155A, 272C).

36.13(4) Burden of proof. 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.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall 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, David J. Easton, hereby further give my assurance that I will not engage, in any manner, in the practices of a pharmacist in the State of Iowa for which a license is required.

1/7/2011
Date of signature

David J Easton
David J. Easton

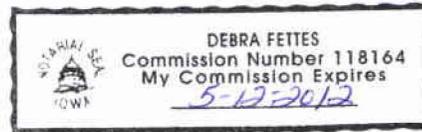
State of Iowa

County of Dickinson

Subscribed and sworn to before me by David J. Easton on this 7th day of January 2011.

Debra Fettes
NOTARY PUBLIC FOR THE STATE OF IOWA
Debra Fettes

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

Re:)	ORDER
Pharmacist License of)	ACCEPTING
DAVID J. EASTON,	)	SURRENDER OF
License No. 15140	)	PHARMACIST LICENSE

COMES NOW, Vernon H. Benjamin, Chairperson of the Iowa Board of Pharmacy, on March 8, 2011, and declares that:

1. On January 7, 2011, Respondent executed a voluntary surrender of his pharmacist license number 15140.

3. On March 8, 2011, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 15140 is hereby accepted.

IOWA BOARD OF PHARMACY



VERNON H. BENJAMIN, Chairperson