

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

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Re:	)	Case No. 2002-93
Pharmacist License of	)	
<b>DOUGLAS L. FARMER</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15591	)	
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 July 31, 1979, the Board issued Respondent, Douglas L. Farmer, a license to engage in the practice of pharmacy by examination as evidenced by license number 15591, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15591 is current and active until June 30, 2004.
5. Respondent's current address is 218 Ridgewood Avenue, Davenport, Iowa 52803.
6. Respondent was employed the pharmacist in charge at the HyVee Pharmacy #1, 3019 Rockingham Road, Davenport, Iowa 52802, at all 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 (2003) and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j); specifically, diversion of prescription drugs for his own use.

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) (2003) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j) and 36.1(4)(m).

COUNT III

The Respondent is charged with knowingly engaging in unethical conduct in the practice of pharmacy and engaging in practices harmful and detrimental to the public in violation of Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4)(c), including tampering with and adulteration of drugs in violation of Iowa Code §§ 126.3 and 126.9 (2003).

THE CIRCUMSTANCES

1. On or about October 28, 2002, the Board received notice that Respondent had been terminated from employment due to the theft of controlled substances.
2. Respondent admits consuming controlled substances -- Phenergan with Codeine liquid and hydrocodone liquids -- from the inventory of his employer during a one and a half year period prior to termination.
3. Respondent also admits diluting a stock bottle of Promethazine and Codeine with water, after personal use of the contents, and then replacing the bottle in the inventory of his employer.

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 19 day of February, 2003, 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. Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
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 50319

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

Re:	)	Case No. 2002-93
Pharmacist License of	)	
<b>DOUGLAS L. FARMER</b>	)	<b>STIPULATION</b>
License No. 15591	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Douglas L. Farmer, R.Ph. (hereinafter, "Respondent"), enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Iowa Board of Pharmacy Examiners, based on allegations specified in a Statement of Charges filed February 19, 2003. The Board and Respondent hereby agree that the contested case shall be resolved without proceeding to hearing, and stipulate to the following:

1. Respondent was issued a license to practice pharmacy in Iowa on July 31, 1979, by examination, as evidenced by Pharmacist License Number 15591, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Iowa Pharmacist License Number 15591, issued to and held by Respondent is active and current until June 30, 2004.
3. Respondent is not currently employed as a pharmacist.
4. A Statement of Charges was filed against Respondent on February 19, 2002.
5. The Board has jurisdiction over Respondent 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 and for the additional discipline as described herein.

Respondent further acknowledges the seriousness of the charges against him, particularly the charges of dilution and adulteration of drugs. Respondent acknowledges that such tampering with drugs creates an extreme possibility for harm to members of the general public and that any recurrence of tampering will constitute grounds for permanent revocation of his license.

Respondent pledges to never tamper with drugs again.

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. Respondent agrees to submit to a medical and substance abuse evaluation by a physician or treatment provider approved by the Board. The physician or treatment provider shall be specifically alerted to the fact that Respondent has acknowledged tampering with prescription drugs.

Upon receipt of a written report from the physician or treatment provider which recommends that Respondent is ready to return to the practice of pharmacy, the license suspension shall end and the Respondent's license shall be placed on probation for a period of 5 year, 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.

Additionally, Respondent shall not possess any controlled substance except medications prescribed in accordance with the preceding paragraph.

c. Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board, all costs of which shall be paid for by Respondent. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with this Stipulation and Consent Order and with any drug therapy ordered by Respondent's physician.

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 Respondent's compliance with the treatment program.

e. Respondent shall file written, sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. The quarterly reports shall include 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. Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

g. Respondent shall make personal appearances 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.

h. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy and the distribution of controlled substances.

i. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

j. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

k. Respondent shall not serve as the pharmacist in charge of a pharmacy.

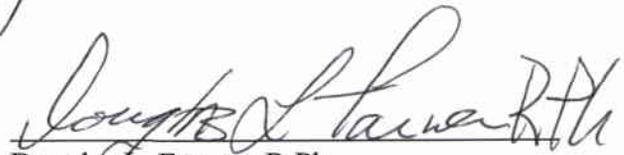
l. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate, or a comparable program for physicians.

- m. 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.
8. Respondent agrees to release all his medical records to the Board, including all medical records 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.
9. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. 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.
10. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1000. The civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within 30 days of the Board's approval. The civil penalty shall be

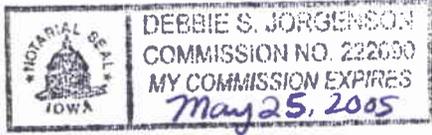
deposited into the State of Iowa general fund.

11. 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 further 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.
12. 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.
13. 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.
14. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 16 day of April, 2003.

  
Douglas L. Farmer, R.Ph.  
Respondent

Subscribed and sworn to before me by Douglas L. Farmer on this 16th day of April, 2003.



Debbie S. Jorgenson  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy  
Examiners on the 23 day of April, 2003.

Katherine A. Linder  
KATHERINE A. LINDER, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

Farmer settlement.doc

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST  
DOUGLAS L. FARMER, R.Ph., RESPONDENT**

**2002-93**

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**TERMINATION ORDER**

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**DATE: June 5, 2009**

1. On April 23, 2003, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy indefinitely suspending Respondent's license to practice pharmacy, number 15591 issued to Douglas L. Farmer on July 31, 2009. Upon receipt of a written report from the physician/treatment provider recommending Respondent's return to the practice of pharmacy, suspension shall end and probation for a period of five years under certain terms and conditions shall begin.

2. Respondent's suspension ended on April 7, 2004.

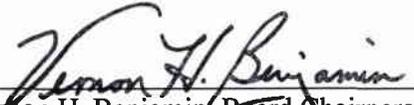
3. Respondent, on April 7, 2009, successfully completed the probation as directed.

4. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF PHARAMCY**

  
Vernon H. Benjamin, Board Chairperson  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688