

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

---

Re: Pharmacist License of	}	<b>COMPLAINT</b>
<b>GREGORY D. GUYLER</b>	}	<b>AND</b>
License No. 13920	}	<b>STATEMENT</b>
Respondent	}	<b>OF CHARGES</b>
	}	<b>AND</b>
	}	<b>NOTICE OF HEARING</b>

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**COMES NOW**, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 16th day of October, 1991, and files this Complaint and Statement of Charges against Gregory D. Guyler, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on September 14, 1971, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1992.

4. Respondent currently resides at 2210 East Rose #20 in Des Moines, Iowa 50320.

5. Respondent was employed as the pharmacist in charge at Drug Mart Pharmacy No. 4 located at 80 School Street in Carlisle, Iowa 50047. Respondent was the pharmacist in charge of Drug Mart Pharmacy No. 4 during all times relevant to this Complaint and Statement of Charges.

6. The Board has received an arrest report from the Iowa State Patrol which indicates that Respondent was arrested on August 18, 1991, and charged with public intoxication and possession of marijuana. [Marijuana is a schedule I controlled substance.] The Board has also received a copy of the Arraignment and Disposition in State of Iowa v. Gregory Guyler, Criminal No. 145928, from Polk County District Court in which Respondent entered a plea of guilty to public intoxication on September 20, 1991. In addition, the Board has received a copy of the Order in State of Iowa v. Gregory D. Guyler, Criminal No. 56391, from Polk County District Court in which Respondent entered a plea of guilty to possession of a controlled substance in violation of Iowa Code section 204.401(3). Judgment in

Criminal Case No. 56391 was deferred and Respondent was granted probation.

7. The Board has received an investigative report dated October 14, 1991, from Pharmacy Investigator Charles H. Vandenburg. That report indicates the following:

a. A controlled substance accountability audit beginning June 3, 1991, and ending August 19, 1991, revealed a shortage of the following schedule III controlled substance from Drug Mart Pharmacy No. 4 in Carlisle: a shortage of 98 tablets of Vicodin.

b. A controlled substance accountability audit beginning June 3, 1991, and ending August 19, 1991, revealed the following shortages of schedule IV controlled substances from Drug Mart Pharmacy No. 4 in Carlisle: (1) a shortage of 226 capsules of oxazepam 15mg (Serax or generic equivalent); (2) a shortage of 115 capsules of oxazepam 30mg (Serax or generic equivalent); and (3) a shortage of 269 tablets of Xanax 0.5mg.

c. The controlled substance accountability audit conducted at Drug Mart Pharmacy No. 4 revealed that Respondent failed to keep accurate and acceptable records and failed to establish the receipt and distribution of controlled substances.

8. The Board has received Respondent's medical records from Iowa Methodist Medical Center in Des Moines, Iowa. These records indicate the following:

a. Respondent was admitted to Iowa Methodist Medical Center, Powell Chemical Dependency Center, on August 21, 1991, as an inpatient for detoxification and treatment of chemical dependency. He was discharged on September 19, 1991.

b. Respondent was referred to Powell Chemical Dependency Center Continuing Care and Alcoholics Anonymous on September 19, 1991, for aftercare.

c. Respondent's medical records indicate that body fluids collected from Respondent on August 19, 1991, tested positive for alcohol, hydrocodone, and cannabinoids.

d. Respondent's medical records dated August 22, 1991, indicate that Respondent "had previous treatment at Powell III inpatient five and one-half years ago because of his use of alcohol." These records also indicate that Respondent admitted that he had recently been using the following controlled substances: Xanax, Serax, Vicodin, and Marijuana.

9. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 155A.23(1)(c),

204.308(3), 204.401(3), 204.402(1)(a), and 204.403(1)(c) by virtue of the allegations in paragraphs 6, 7, and 8.

Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

5. Violated any provision of the controlled substances Act or rules relating to that Act.

Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:

a. Fraud, deceit, misrepresentation, or subterfuge.

....

c. Concealment of a material fact.

Iowa Code section 204.308 provides, in part, the following:

3. ...[A] controlled substance included in schedule III or IV, which is a prescription drug... shall not be dispensed without a written or oral prescription of a practitioner.

Iowa Code section 204.401 provides, in part, the following:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor. If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. All or any part of a sentence imposed pursuant to this section may be suspended and the person placed on probation upon such terms and conditions as the court may impose including the active

participation by such person in a drug treatment, rehabilitation or education program approved by the court.

Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

Iowa Code section 204.403(1) provides, in part, the following:

It is unlawful for any person knowingly or intentionally:...

c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;...

10. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u) by virtue of the allegations in paragraphs 6, 7, and 8.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

(1) The inability of a pharmacist to practice pharmacy with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

....

h. Distribution of...drugs for other than lawful purposes. The distribution of drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of Iowa Code chapters 155A, 203, 203A, and 204.

...

m. Inability to practice pharmacy with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

...  
u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 9 and 10 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

**WHEREFORE**, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 155A.23(1)(c), 204.308(3), 204.401(3), 204.402(1)(a), and 204.403(1)(c) and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u).

**IT IS HEREBY ORDERED**, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Gregory D. Guyler appear before the Iowa Board of Pharmacy Examiners on Wednesday, November 20, 1991, at 4:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Gregory D. Guyler on September 14, 1971, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen  
Executive Secretary/Director



and Informal Settlement. During the probationary period the Respondent shall:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy.

b. Report to the Board or its designee quarterly. Said report shall be in person or in writing, as directed. The report shall include the Respondent's place of employment, current address, information regarding compliance with paragraph "c", and any further information deemed necessary by the Board from time to time.

c. Comply with after-care recommendations of the Powell Chemical Dependency Center, including attendance at Alcoholics Anonymous.

d. Immediately submit to biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

e. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

f. 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 thirty (30) days after the approval of this Stipulations and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

g. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

8. Should Respondent leave Iowa to reside or practice outside this State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the State shall not apply to reduction of the probationary period.

9. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

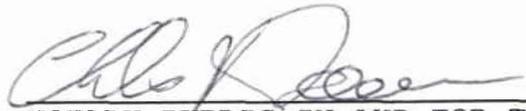
10. Upon successful completion of probation, Respondent's certificate will be fully restored.

11. This Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

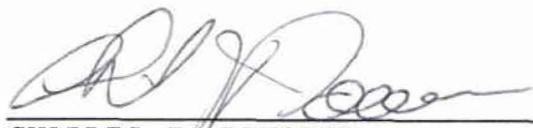
12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 27<sup>th</sup> day of January, 1992.

  
GREGORY D. GUYLER  
Respondent

Signed and sworn to before me this 27 day of January, 1992.

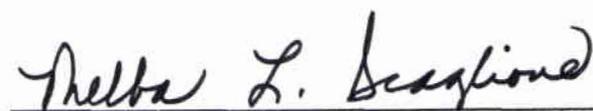
  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

Approved as to form:

  
CHARLES J. DAVOREN  
Murray, Davoren and Jankins  
Attorneys at Law  
2323 Grand Avenue  
Des Moines, Iowa 50312-1163  
ATTORNEY FOR RESPONDENT

  
LYNETTE A. F. DONNER  
Assistant Attorney General  
Iowa Department of Justice  
Second Floor, Hoover Bldg.  
Des Moines, Iowa 50319  
ATTORNEY FOR THE  
PUBLIC INTEREST

13. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 4<sup>th</sup> day of March, 1992.

  
MELBA L. SCAGLIONE, Chairperson  
Iowa Board of Pharmacy Examiners

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of <b>GREGORY D. GUYLER</b> License No. 13920 Respondent	} } } } }	<b>PETITION TO REVOKE PROBATION AND NOTICE OF HEARING</b>
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**COMES NOW**, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 8th day of March, 1993, and files this Petition to Revoke Probation and Notice of Hearing against Gregory D. Guyler, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Alan M. Shepley, Chairperson; Marian L. Roberts, Vice Chairperson; Donna J. Flower; Phyllis A. Olson; Arlan D. Van Norman; Phyllis A. Miller; and Ronald B. Reiff are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on September 14, 1971, by examination.

3. Respondent's license is current until June 30, 1994.

4. A complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 16, 1991.

5. A Stipulation and Informal Settlement was approved on March 4, 1992. That agreement suspended Respondent's license for a period of six (6) months. The suspension was stayed, however, and Respondent's license was placed on probation for a period of five (5) years beginning March 4, 1992, and ending March 4, 1997.

6. The Stipulation and Informal Settlement also provided, in part, that during the probationary period the Respondent shall:

7(f). 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 thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

7. Respondent accepted employment as a relief pharmacist with Wal-Mart in September 1992 and failed to notify Wal-Mart as specified in subparagraph 7(f) of the Stipulation and Informal Settlement.

8. Respondent is guilty of violating subparagraph 7(f) of the Stipulation and Informal Settlement by virtue of the information contained in paragraph 7 of this Petition to Revoke Probation.

The Iowa Board of Pharmacy Examiners finds that paragraph 8 constitutes grounds for which Respondent's probation can be revoked and for which his license to practice pharmacy in Iowa can be suspended.

**IT IS HEREBY ORDERED,** pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Respondent appear before the Iowa Board of Pharmacy Examiners on Friday, April 9, 1993, at 10:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

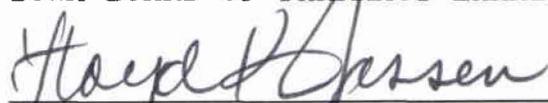
The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to revoke Respondent's probation and to suspend his license to practice pharmacy issued on September 14, 1971, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the suspension of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings.

Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen  
Executive Secretary/Director

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

---

Re: Pharmacist License of	)	STIPULATION
<b>GREGORY D. GUYLER</b>	)	AND
License No. 13920	)	INFORMAL
Respondent	)	SETTLEMENT

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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Gregory D. Guyler (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on September 14, 1971, by examination.
2. Respondent's license is current until June 30, 1994.
3. Respondent's current address is 323 East Leach, Des Moines, Iowa 50315.
4. A Petition to Revoke Probation and Notice of Hearing was filed against Respondent on March 8, 1993.
5. The Board has jurisdiction of the parties and the subject matter.
6. Respondent does not contest the allegations set forth in the petition and agrees that the Board may treat the allegations as true.
7. Respondent's license to practice pharmacy is suspended for a period of six (6) months. The suspension is

stayed, however, and the Respondent's license is placed on probation for a period of five (5) years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. 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.

b. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

c. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

d. Submit to biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

e. Submit a written report to the Board or its designee once every three (3) months, beginning three months after the date of approval of this Stipulation and Informal Settlement. The report shall include the Respondent's place of employment, current home address, information regarding compliance with paragraph "f", below, and any further information deemed necessary by the Board from time to time.

f. Comply with after-care recommendations of the Powell Chemical Dependency Center, including attendance at Alcoholics Anonymous.

g. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education

(CE) as directed by the Board.

h. 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 thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

8. Respondent is assessed a civil penalty of \$1,500. Within thirty (30) days from the date of approval of this Stipulation and Informal Settlement by the Board, Respondent shall pay \$500 to the Board by delivering to the Board office a check made payable to the Treasurer of the State of Iowa. A subsequent payment of \$500 shall be made by Respondent within sixty (60) days from the date of approval of this Stipulation and Informal Settlement by the Board. A final payment of \$500 shall be made by Respondent within ninety (90) days from the date of approval of this Stipulation and Informal Settlement by the Board. The civil penalty shall be deposited into the State general fund.

9. Should Respondent practice outside of this state, Respondent shall notify the Board in writing of the dates of such practice. Periods of practice outside of this State shall not apply to reduction of the probationary period.

10. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity

to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. Upon successful completion of probation, Respondent's certificate will be fully restored.

12. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

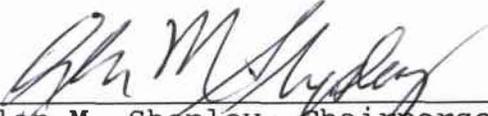
13. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 9<sup>th</sup> day of April, 1993.

  
\_\_\_\_\_  
Gregory D. Guyler  
Respondent

Signed and sworn to before me this 9<sup>th</sup> day of April, 1993.

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 9<sup>th</sup> day of April, 1993.

  
\_\_\_\_\_  
Alan M. Shepley, Chairperson  
Iowa Board of Pharmacy Examiners

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

---

Re: )  
Pharmacist License of )  
**GREGORY D. GUYLER** ) **STATEMENT OF CHARGES**  
License No. 13920 )  
Respondent )

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**COMES NOW**, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 124, 155A, and 272C (1995).

3. On September 14, 1971, Gregory D. Guyler, the Respondent, was issued license number 13920 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 13920 is current and active until June 30, 1996.

5. Respondent currently resides at 323 East Leach, Des Moines, Iowa 50315.

6. Respondent is currently employed as a staff pharmacist in the outpatient pharmacy satellite at Iowa Methodist Medical Center, 1200 Pleasant Street, Des Moines, Iowa 50309.

7. Respondent's license to practice pharmacy was previously disciplined by the Board in 1992 and 1993. In 1991 Respondent pled guilty in district court to public intoxication and unlawful possession of a Schedule I controlled substance. In 1992 the Board alleged that Respondent had also unlawfully obtained Schedule III and Schedule IV controlled substances for his own personal use. In addition, the Board alleged that Respondent had failed to keep accurate controlled substance records at his place of employment.

Respondent and the Board reached an informal settlement on March 4, 1992, in which Respondent's license was suspended for six months. The suspension was stayed, however, and Respondent was placed on probation with conditions for five years.

In 1993 the Board accused Respondent of violating his probation with the Board by failing to notify a prospective employer of the terms of his disciplinary order. Respondent and the Board reached a second informal settlement on April 9, 1993, in which Respondent agreed to pay a civil penalty of \$1,500 and Respondent's pharmacist license was again suspended for a period of six months. The suspension was stayed, however, and Respondent was placed on probation with conditions for five years. Respondent is currently on probation until April 9, 1998.

### COUNT I

The Respondent is charged with violating the terms of his probation as set forth in paragraph 7 of Respondent's Stipulation and Informal Settlement approved by the Board on April 9, 1993, by failing to obey all federal and state laws and regulations substantially related to the practice of pharmacy.

### COUNT II

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 124.308(1), 124.402(1)(a), and 124.403(1)(c) (1995) with obtaining a prescription drug by misrepresentation, fraud, forgery, deception, or subterfuge.

### COUNT III

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of his unauthorized use of drugs, in violation of 657 Iowa Administrative Code Sections 9.1(4)(c), 9.1(4)(d)(2), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u).

### THE CIRCUMSTANCES

1. On May 15, 1995, the Board received information which alleges that the Respondent was obtaining and consuming promethazine with codeine cough syrup without or in excess of prescriber authorization. It was also alleged

that Respondent's use of this drug may have impaired his ability to practice pharmacy with reasonable skill and safety.

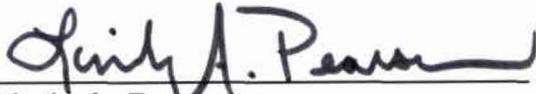
2. On May 15, 1995, the Board also received information which alleges that the outpatient satellite of the Iowa Methodist Medical Center Pharmacy has discovered a shortage of approximately 13 pints of promethazine with codeine cough syrup which is believed to have occurred sometime since December 1994. Respondent has been employed as a staff pharmacist in the outpatient pharmacy satellite at Iowa Methodist Medical Center during this time.

3. On Monday, May 22, 1995, the Board obtained a urine specimen from Respondent at the Iowa Methodist Medical Center Pharmacy in Des Moines, Iowa, while Respondent was on duty as a pharmacist. On May 23, 1995, this specimen was analyzed by a clinical laboratory. The preliminary laboratory analysis detected the following prescription drugs in Respondent's urine: promethazine and codeine (Schedule V).

4. On May 24, 1995, the Board was informed by Iowa Methodist Medical Center that Respondent had notified Iowa Methodist Medical Center that he had suffered a relapse and would be absent from work for an undetermined period of time.

5. Respondent has failed to obey all federal and state laws and regulations substantially related to the practice of pharmacy during his probation as required by paragraph 7 of the Stipulation and Informal Settlement approved by the Board on April 9, 1993.

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.

  
Lindy A. Pearson  
Chief Investigator

On this 24th day of May, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

*Marian Roberts*

---

Marian L. Roberts, 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

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Re:	Pharmacist License of	}	STIPULATION
	<b>GREGORY D. GUYLER</b>	}	AND
	License No. 13920	}	INFORMAL
	Respondent	}	SETTLEMENT

---

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Gregory D. Guyler (Respondent) and, pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on September 14, 1971, by examination.

2. Respondent's license is current until June 30, 1996. Respondent's license was placed on probation with conditions for five (5) years beginning on April 9, 1993.

3. Respondent's current address is 323 East Leach, Des Moines, Iowa 50315.

4. A Statement of Charges and Notice of Hearing was filed against Respondent on May 24, 1995.

5. The Board has jurisdiction of the parties and the subject matter.

6. This Stipulation and Informal Settlement is executed as a compromise of disputed claims.

7. Respondent's license to practice pharmacy is

suspended for a period of six (6) months. The suspension is stayed, however, and the Respondent's license is placed on probation for a period of five (5) years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. 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.

b. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

c. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

d. Submit to biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

e. Submit a written report to the Board or its designee once every three (3) months, beginning three months after the date of approval of this Stipulation and Informal Settlement. The report shall include the Respondent's place of employment, current home address, information regarding compliance with paragraph "f", below, and any further information deemed necessary by the Board from time to time.

f. Comply with after-care recommendations of the Powell Chemical Dependency Center, including attendance at Alcoholics Anonymous.

g. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

h. 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 thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

8. Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a licensed, treating physician. The licensee shall inform any treating physician of the terms of this Stipulation prior to accepting any medication.

9. Should Respondent practice outside of this state, Respondent shall notify the Board in writing of the dates of such practice. Periods of practice outside of this State shall not apply to reduction of the probationary period.

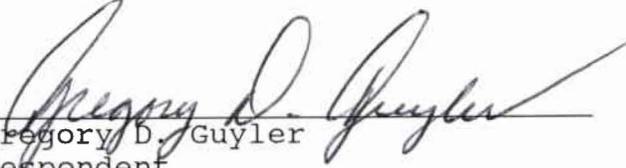
10. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the

period of probation shall be extended until the matter is final.

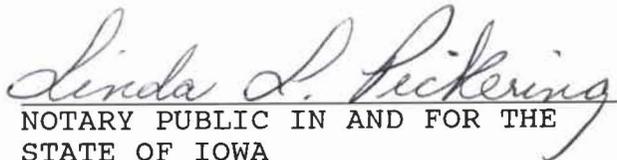
11. Upon successful completion of probation, Respondent's certificate will be fully restored.

12. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

13. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 17th day of September, 1995.

  
\_\_\_\_\_  
Gregory D. Guyler  
Respondent

Signed and sworn to before me this 17th day of September, 1995.

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 20 day of September, 1995.

Marian L. Roberts  
Marian L. Roberts, Chairperson  
Iowa Board of Pharmacy Examiners

OCT - 6 1999

IOWA PHARMACY EXAMINERS

## VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Gregory D. Guyler, a resident of 323 East Leach, Des Moines, Iowa 50315, 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 pharmacist license in the State of Iowa, number 13920, 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, Gregory D. Guyler, being affixed to this voluntary surrender document.

I, Gregory D. Guyler, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly 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 as a pharmacist 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 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, Gregory D. Guyler, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a pharmacist license 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 36.13, which provides as follows:

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 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, 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.

2. 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.

3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license, registration, or permit. Such application shall be docketed in the original case in which the license, registration, or permit 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—36.14.

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, registration, 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.

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

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Re:	)	<b>ORDER</b>
Pharmacist License of	)	<b>ACCEPTING</b>
<b>GREGORY D. GUYLER</b>	)	<b>SURRENDER OF</b>
License No. 13920	)	<b>PHARMACIST LICENSE</b>
Respondent	)	

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*COMES NOW*, Arlan D. Van Norman, Chairperson of the Iowa Board of Pharmacy Examiners, on the 13th day of October, 1999, and declares that:

1. The Respondent's Iowa pharmacist license number 13920 has been on probation since March 4, 1992. His probationary period is scheduled to end on September 20, 2000.

2. Respondent has now decided to relinquish his Iowa pharmacist license. On September 20, 1999, he executed a voluntary surrender of his pharmacist license number 13920 pursuant to 657 Iowa Administrative Code § 36.15. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On October 13, 1999, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

**WHEREFORE**, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 13920 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 36.13, 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

I, Gregory D. Guyler, hereby further acknowledge that I shall not engage in any of the practices or aspects of a pharmacist in the State of Iowa for which a license is required.

9-20-99  
Date of signature

Gregory D. Guyler  
Gregory D. Guyler

State of Iowa :  
: ss  
Polk County :

Subscribed and sworn to me by Gregory D. Guyler on this 20th day of September, 1999.

Janet M. de Regnier  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA