

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT & :
STATEMENT OF CHARGES AGAINST : COMPLAINT AND
CHARLES S. HAIGH, PHARMACIST : STATEMENT OF CHARGES
RESPONDENT :

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 30th day of January 1985, and files this Complaint and Statement of Charges against Charles S. Haigh, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges: .

1. That John F. Rode, chairperson; Margo L. Underwood, vice chairperson; Rollin C. Bridge; Jerry M. Hartleip; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. That Respondent is a resident of West Des Moines, Iowa, and was issued license number 13147 to practice pharmacy in the State of Iowa on September 21, 1965.

3. That Respondent's license to practice pharmacy is current until June 30, 1986.

4. That Respondent was the pharmacist-manager of West Grand Drug Mart, 1220 Grand, West Des Moines, Iowa, license #519, during the period 1-1-84 through 12-31-84.

5. That on December 14, 1984, an audit of the prescription records at West Grand Drug Mart produced evidence of the following:

a) Shortages of 8896 tablets/capsules of Acetaminophen with Codeine 60mg (Tylenol #4).

6. That Respondent admitted to Pharmacy Investigator Charles Vandenburg on December 14, 1984, that he had no records to account for the disposition of the Acetaminophen with Codeine 60mg, and that he had been diverting the drug for his personal use since early 1983.

7. That Respondent is guilty of violations of Iowa Code, Sections 155.13(3) and (8), 155.20, 155.30, 203A.3(1) and (2), and 204.306 by virtue of the allegations contained in paragraphs 5 and 6.

Section 155.13(3) and (8) read as follows:

"...The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:...

3. Distributing on the premises of...drugs for any other than lawful purposes.

8. Violations of the provisions of this chapter."

Section 155.20 reads as follows:

"...nor shall any person licensed under this chapter sell or dispense any prescription drug to any person other than a licensed pharmacy or physician without prescription."

Section 155.30 reads as follows:

"...any person who violates a provision of Section 155.29 or who sells, gives away or administers to another person any prescription drug shall be guilty of a public offense...."

Section 203A.3(1) and (2) read as follows:

"The following acts and the causing thereof within the state of Iowa are hereby prohibited:

1. The manufacture, sale or delivery, holding or offering for sale of any drug...that is...misbranded.
2. The...misbranding of any drug...."

Section 204.306 reads as follows:

"Records of registrants. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and with such additional rules as may be issued by the board...."

Federal regulations in this regard can be found in Code of Federal Regulations (CFR) Title 21. Pertinent parts of those regulations are 1304.03 and 1304.04.

Part 1304.03 reads, in part, as follows:

"Persons required to keep records and file reports.

(a) each registrant shall maintain the records and inventories and shall file the reports required by this part, except as exempted by this section...."

Part 1304.04 reads, in part, as follows:

"Maintenance of records and inventories.

(a) Every inventory and other records required to be kept under this Part shall be kept by the registrant and be available, for at least 2 years from the date of such inventory or records, for inspection and copying by authorized employees of the Administration...."

8. That Respondent is guilty of a violation of Board rules, Iowa Administrative Code §620--10.1(4)"d," "j" and "u," by virtue of the allegations made in paragraphs 5 and 6.

Rule 10.1(4) reads as follows:

"10.1(4) The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

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:...

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

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

u. Violating any of the grounds for revocation or suspension of a license listed in Section...155.13 of The Code."

9. That the shortages of Schedule III controlled substances detailed in paragraph 5 and the statement of admission referred to in paragraph 6 constitute a violation of Iowa Code Sections 155.13, 155.20 and 155.30.

10. That the shortages of the Schedule III controlled substances detailed in paragraph 5 constitute a violation of Iowa Code Section 204.306.

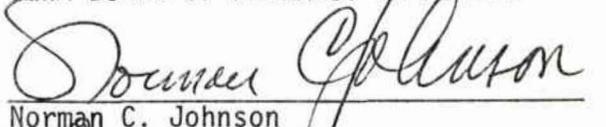
11. That paragraphs 7 and 8 constitute grounds for which Respondent's license to practice pharmacy in the state of Iowa can be suspended or revoked.

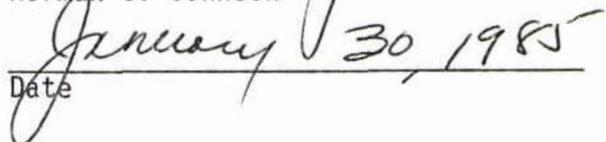
WHEREFORE, the undersigned charges that Charles S. Haigh has violated Sections 155.13(3) and (8), 155.20, 155.30, 203A.3(1) and (2), and 204.306 Code of Iowa and Rule §620--10.1(4)"d," "j" and "u" of the Iowa Administrative Code.

IT IS HEREBY ORDERED that Charles S. Haigh appear before the Iowa Board of Pharmacy Examiners on March 12, 1985, at 2:30 a.m. in the State Board Conference Room, Grimes State Office Building, 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 Charles S. Haigh on September 21, 1965, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson

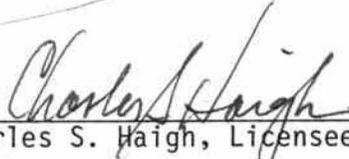

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- d. During the first year of probation, Licensee shall provide, or have provided, quarterly reports to the Board office with documentary evidence of continuing participation in a drug treatment program. Such quarterly reports to be due on September 14, 1985; December 14, 1985; March 14, 1986; and June 14, 1986.
- e. Licensee shall immediately submit to biological fluid testing, at Licensee's cost, upon request of the Board or its designee.
- f. Licensee shall not supervise any registered intern nor perform any of the duties of a preceptor during the period of probation.
- g. Licensee shall notify all present and prospective employers of the terms, conditions and restrictions imposed on him by this Order.
- h. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
- i. Should Licensee leave Iowa to reside or practice outside this state, he 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 a reduction of the probationary period.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.



John F. Rode, Chairperson
Iowa Board of Pharmacy Examiners



Charles S. Haigh, Licensee

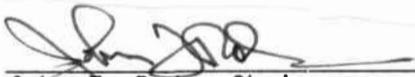
BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of Pharmacist :
Charles S. Haigh : ORDER AND CONSENT TO ORDER
:

The Iowa Board of Pharmacy Examiners, having been advised of the allegations that Charles S. Haigh has conducted himself in a manner which could cause his license to practice pharmacy to be suspended, and the Board of Pharmacy Examiners through a Board Member and said Charles S. Haigh, having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in the Iowa Administrative Code appearing at Chapter 17A, particularly Section 17A.12 and Section 17A.18, Code of Iowa 1983, in regards to Notice and Hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of Charles S. Haigh to practice pharmacy in Iowa will be suspended according to the conditions attached hereto.

ORDER

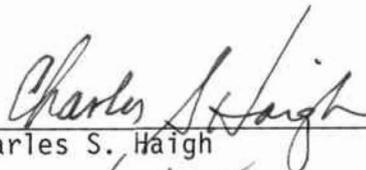
IT IS THEREFORE ORDERED, subject to Charles S. Haigh's consent to be contained herein to this Order that the license of Charles S. Haigh to practice pharmacy in Iowa be suspended according to the conditions attached hereto.



John F. Rode, Chairperson
Iowa Board of Pharmacy Examiners
Date 3-21-85

CONSENT TO ORDER

I, Charles S. Haigh, hereby consent to the Order set forth above, waive my right to a hearing in this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record and judicial review.



Charles S. Haigh
Date 4/10/85

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	:	COMPLAINT
CHARLES S. HAIGH	:	AND
License No. 13147	:	STATEMENT OF CHARGES
Respondent	:	

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 12th day of October, 1988, and files this Complaint and Statement of Charges against Charles S. Haigh, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Rollin C. Bridge, Chairperson; Melba L. Scaglione, Vice Chairperson; Donna J. Flower; Marian L. Roberts; John F. Rode; Alan M. Shepley; and Gale W. Stapp 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 21, 1965, by examination.
3. Respondent was employed as a pharmacist at Reppert Pharmacy located at 3501 Ingersoll Avenue in Des Moines, Iowa.
4. Respondent currently resides at 609 32nd Street in West Des Moines, Iowa.
5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1990.
6. In a complaint and statement of charges filed against Respondent on January 30, 1985, Respondent admitted that he had illegally diverted to his own personal use approximately 8,896 dosage units of Acetaminophen with Codeine 60mg from the West Grand Drug Mart Pharmacy in West Des Moines, since early 1983.
7. Respondent's license to practice pharmacy in Iowa was suspended for six months, from December 14, 1984, to June 15, 1985, pursuant to an informal settlement entered into with the Board on April 10, 1985. Respondent was also placed on probation for a period of five years, beginning June 15, 1985, and ending June 15, 1990.
8. An investigative report filed with the Board on September 13, 1988, by Board Investigator Charles H. Vandenburg revealed the following facts and violation of law:
 - a. Under the terms of the aforementioned informal settlement agreement, Respondent agreed to provide quarterly reports to the Board office which included evidence of continuing participation in a drug treatment program. Such reports were

due on September 14, 1985; December 14, 1985; March 14, 1986; and June 14, 1986. Respondent's records reveal that Respondent failed to submit such reports after November 14, 1985, and that during the four months preceding that report Respondent had missed six drug program meetings.

- b. On January 1, 1987, Respondent began working as a part-time pharmacist at Reppert Pharmacy located at 3501 Ingersoll Avenue in Des Moines.
 - c. On August 18, 1988, Respondent voluntarily admitted himself for treatment of opiate and alcohol dependence at the Koala Center in Lonedell, Missouri.
 - d. On August 25, 1988, pharmacist Stephen G. Haigh, Charles Haigh's brother, notified the Board that approximately 2,500 tablets of Tylenol with Codeine No. 4 were missing from Reppert Pharmacy and that Charles had admitted to diverting that amount of Tylenol with Codeine No. 4 to his own personal use without physician authorization while working at Reppert Pharmacy. Stephen G. Haigh is the owner and pharmacist in charge of Reppert Pharmacy.
 - e. On September 6, 1988, Board Investigators Charles H. Vandenburg and Holger A. Christensen performed an audit of selected controlled substances at Reppert Pharmacy for the time period beginning May 1, 1987, and ending September 6, 1988. That audit produced evidence of the following: a shortage of 2,525 tablets of Tylenol with Codeine No. 4 and a shortage of 191 tablets of Empirin with Codeine No. 4.
9. Respondent is guilty of violations of 1987 Iowa Code sections 155A.12(1), 155A.12(5), 155A.15(2)(d), 204.308(3), 204.401(1), 204.402(1), and 204.403(1)(d) by virtue of the allegations in paragraph 8, subsections (a) through (e).

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.15(2) 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: ...

- d. Delivered without legal authorization prescription drugs or devices to a person...

Iowa Code section 204.308(3) provides, in part, the following:

...[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(1) provides, in part, the following:

Except as authorized by this chapter, it is unlawful for any person to...deliver...a controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to...deliver...a controlled substance.

Any person who violates this subsection with respect to: ...

- b. Any...controlled substance classified in schedule... III, is guilty of a class "D" felony.

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:

...

- d. To furnish false or fraudulent material information in, or omit any material information from, any...document required to be kept or filed under this chapter, or any record required to be kept by this chapter;...

10. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(d), 9.1(4)(j), and 9.1(4)(u) by virtue of the allegations in paragraph 8, subsections (a) through (e).

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)...when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

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.

...
j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

...
u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, and 1987 Iowa Code supplement sections 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 1987 Iowa Code sections 155A.12(1), 155A.12(5), 155A.15(2)(d), 204.308(3), 204.401(1), 204.402(1), and 204.403(1)(d), and 657 Iowa Administrative Code sections 9.1(4)(d), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED that Charles S. Haigh appear before the Iowa Board of Pharmacy Examiners on November 29, 1988, at 2:00 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 Charles S. Haigh on September 21, 1965, 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. The failure of Respondent to appear could result in the permanent suspension or revocation of his license. Information regarding the hearing may be obtained from Thomas D. McGrane, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319.

IOWA BOARD OF PHARMACY EXAMINERS

Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of
CHARLES S. HAIGH
Pharmacist
License No. 13147

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:
:

STIPULATION

WHEREAS, Charles S. Haigh, hereinafter referred to as the Licensee, has had certain allegations made against him by the Board of Pharmacy Examiners, hereinafter referred to as the Board, concerning his professional conduct as a pharmacist, and

WHEREAS, the Licensee admits to the allegations made against him, and

WHEREAS, both the Licensee and the Board desire to arrive at a mutually agreeable informal settlement of this matter,

IT IS MUTUALLY AGREED AND STIPULATED as follows between the Licensee and the Board:

1. That the Board by and through its member, Melba L. Scaglione, and the Licensee, by and through his attorney, Robert J. Baudino, Jr., have entered into settlement discussions and have agreed upon a disposition of this matter.

2. That the Licensee desires to avoid the uncertainty and the expense of a trial and desires to consent to the disciplinary action to be taken by the Board as specified in paragraph 4, infra.

3. It is the purpose and intent of the parties hereto to waive all the provisions of Chapter 17A of the 1987 Code of Iowa as they relate to notice and hearing on the matter of revocation or suspension of Licensee's license to be a pharmacist, and to acknowledge that each are fully aware of their rights and procedures afforded them through Chapter 17A of the 1987 Code of Iowa and the rules of the Board of Pharmacy Examiners promulgated in accordance and pursuant thereto, particularly Section 17A.12 as it relates to contested cases and provides notice of hearing and records, and Section 17A.18 as it relates to the requirements concerning notice of the suspension and revocation of licenses.

4. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide for the following:

a. License No. 13147 issued to Licensee is suspended for a period of five years with the last three years and five months stayed. Active suspension to end on August 18, 1990. Licensee must surrender all licenses and certificates. Such licenses and certificates will be returned upon completion of the suspension period.

b. Licensee to be placed on probation for a period of five years following the end of the five-year suspension. Such probation to begin on January 10, ~~1984~~, and end on January 10, 1999.

1989

c. During license suspension, Licensee shall not enter any pharmacy prescription area and shall not engage in any pharmacy-related service.

d. Licensee shall submit to monthly random body fluid testing. Test results shall be submitted to the Board office monthly, with the first report due no later than February 16, 1989. Testing to be done by Licensee's provider of aftercare at Licensee's expense. Monthly testing shall be conducted and reports submitted for a period of 24 months beginning in February, 1989, and ending in January, 1991.

e. Licensee shall submit to random body fluid testing with test results to be submitted to the Board office on a quarterly basis beginning in February, 1991, and ending in January, 1994. Testing shall be done by Licensee's provider of aftercare at Licensee's expense.

f. Should Licensee's body fluid tests show evidence of alcohol or unauthorized drugs, or should the reports required by paragraphs "d" and "e" not be submitted on time, the stayed suspension order will be revoked.

g. Licensee shall comply with the Board's continuing education requirements for pharmacists during the period of license suspension.

h. Licensee shall actively participate in an aftercare support program of his choosing during both the active and stayed portions of license suspension.

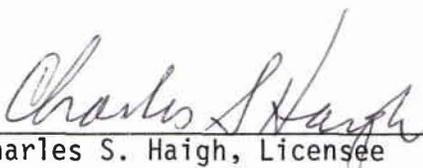
i. Licensee shall submit annual reports to the Board in February, 1992, and February, 1993. Such reports shall identify his place of employment and participation in aftercare or support programs.

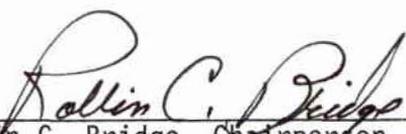
j. Licensee shall not supervise any registered intern and shall not perform any of the duties of a preceptor during his period of probation.

k. Should Licensee leave Iowa to reside or practice outside this state, he must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside Iowa shall not apply to the reduction of the probationary period.

l. Upon successful completion of probation, Licensee's certificates will be fully restored.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.


Charles S. Haigh, Licensee


Rollin C. Bridge, Chairperson
Iowa Board of Pharmacy Examiners

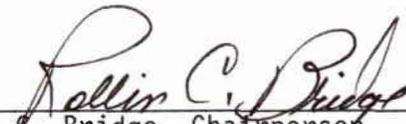
BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of Pharmacist :
: ORDER AND CONSENT TO ORDER
CHARLES S. HAIGH :

The Iowa Board of Pharmacy Examiners, having been advised of the allegations that Charles S. Haigh has conducted himself in a manner which could cause his license to practice pharmacy to be suspended, and the Board of Pharmacy Examiners through a Board Member and said Charles S. Haigh, having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in the Iowa Administrative Code appearing at Chapter 17A, particularly Section 17A.12 and Section 17A.18, Code of Iowa 1987, in regards to Notice and Hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of Charles S. Haigh to practice pharmacy in Iowa will be suspended according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to Charles S. Haigh's consent to be contained herein to this Order that the license of Charles S. Haigh to practice pharmacy in Iowa be suspended according to the conditions attached hereto.

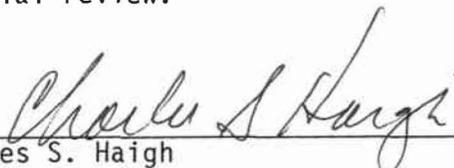


Rollin C. Bridge, Chairperson
Iowa Board of Pharmacy Examiners

Date 1/14/89

CONSENT TO ORDER

I, Charles S. Haigh, hereby consent to the Order set forth above, waive my right to a hearing in this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record and judicial review.



Charles S. Haigh

Date 2-28-89