

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

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Re:	)	Case No. 1999-82
Pharmacist License of	)	
<b>STEVEN A. HELLING</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15501	)	
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 (1999).
3. On July 9, 1979, the Board issued Respondent, Steven Helling, a license to engage in the practice of pharmacy by examination as evidenced by license number 15501, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15501 is current and active until June 30, 2000.
5. Upon information and belief, Respondent's current address is 2180 Highway 61, Fort Madison, Iowa 52627.
6. Respondent is currently employed as the only pharmacist at Helling Healthcare PC Pharmacy, 1124 Avenue H, Fort Madison, Iowa, 52627, and has been employed as such during all times relevant to this statement of charges.

**COUNT I**

The Respondent is charged under Iowa Code §§ 147.55(2), 155A.12(1), and 272C.10(2) (1999) and 657 Iowa Administrative Code 36.1(4)(b)(1)-(4) with professional incompetency.

**COUNT II**

The Respondent is charged under Iowa Code § 155A.12(1) (1999) with violating the rules of the Board when he violated 657 Iowa Administrative Code 6.2(1)(k) (legal operation of pharmacy by pharmacist in charge); 6.8(1) (maintenance of controlled substance records); 8.11

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(pharmacy and prescription records); 8.14(1) (prescription label requirements); 10.11 (manner of issuance of prescription); and 10.13(4) (emergency prescription).

#### COUNT III

The Respondent is charged under Iowa Code § 155A.12(2) (1999) and 657 Iowa Administrative Code 8.5(1) with engaging in unethical conduct when he made statements tending to deceive, misrepresent, or mislead any person.

#### COUNT IV

The Respondent is charged under Iowa Code §§ 155A.12(3) and 147.55(3) (1999), and 657 Iowa Administrative Code 36.1(4)(c), with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy.

#### COUNT V

The Respondent is charged under Iowa Code § 155A.12(4) (1999) with failing to keep and maintain records required by Chapter 155A.

#### COUNT VI

The Respondent is charged under Iowa Code § 155A.12(5) (1999) with violating §§ 124.308(1) (prescriptions of schedule II controlled substances); 124.401(1)(c)(8) (delivery of a schedule II controlled substance); and 124.403(1)(d) (to furnish or omit false or fraudulent material information required to be kept by this chapter) (1999) of the controlled substances act.

#### COUNT VII

The Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.23(2) (1999) with willfully making a false statement in any prescription, report, or record required by Chapter 155A.

#### COUNT VIII

The Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.23(4) (1999) with making or uttering any false or forged prescription or written order.

#### COUNT IX

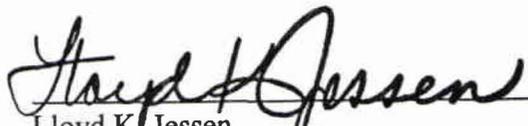
The Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.23(5) (1999) with affixing any false or forged label to a package or receptacle containing prescription drugs.

### THE CIRCUMSTANCES

1. In September of 1999, the Board received information from the Lee County Narcotics Task Force that Respondent was engaging in numerous violations of the laws governing the dispensing of controlled substances and the practice of pharmacy.
2. The Board's investigation of this information indicates that from June 1, 1997, through February 2, 2000, Respondent engaged in numerous violations of the laws governing the practice of pharmacy while employed at the Helling Healthcare PC Pharmacy at 1124 Avenue H, Fort Madison, Iowa 52627. These violations include but are not limited to the following:
  - A. Respondent has on numerous occasions dispensed schedule II controlled substances, including Dilaudid, Tylox, Percodan, and Percocet, on the basis of prescriptions on which the date has been altered and/or a previous label for filling the original prescription removed. The patients named in some of these prescriptions were deceased at the time Respondent filled the prescriptions.
  - B. Respondent has on numerous occasions dispensed schedule II controlled substances, including Ritalin, Methylphenidate, Percocet, Oxycodone, and Dilaudid, on the basis of a photocopied prescription.
  - C. Respondent has on numerous occasions dispensed schedule II controlled substances without a prescription.
  - D. Respondent has on at least one occasion dispensed syringes of Demerol, a schedule II controlled substance, with a prescription which contained a false patient name and false physician name.
  - E. Respondent has on numerous occasions dispensed schedule II controlled substances pursuant to telephone prescriptions which were not designated as emergency prescriptions and for which written prescriptions were not obtained.
3. On February 24, 2000, Respondent was arrested on several criminal charges arising out of the same facts as this case.

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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 25<sup>th</sup> day of February, 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Arlan D. VanNorman, Chairperson  
Iowa Board of Pharmacy Examiners  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Shauna Russell Shields  
Theresa O'Connell Weeg  
Assistant 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:	)	Case No. 1999-82
Pharmacist License of	)	
<b>STEVEN A. HELLING</b>	)	<b>EMERGENCY</b>
License No. 15501	)	<b>ADJUDICATIVE ORDER</b>
Respondent	)	

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**COMES NOW** the Iowa Board of Pharmacy Examiners, and finds that on February 25, 2000, it was presented with evidence which establishes that Respondent's continued practice of pharmacy constitutes an immediate danger to the public health, safety, and welfare. The Board has conducted a full investigation of this matter. A summary of the evidence obtained in that investigation is as follows:

**FINDINGS OF FACT**

1. Respondent is currently employed as the only pharmacist at Helling Healthcare PC Pharmacy, 1124 Avenue H, Fort Madison, Iowa 52627, and has been engaged in the practice of pharmacy at that location at all times relevant to this case.
2. In September of 1999, the Board received information from the Lee County Narcotics Task Force alleging that Respondent was engaging in numerous violations of the laws governing the dispensing of controlled substances and the practice of pharmacy.
3. During the Board's investigation of the situation referred to in Paragraph 2, above, an audit performed by Board investigators obtained information that Respondent has committed

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numerous violation of the laws governing the practice of pharmacy, including the laws governing the dispensing of controlled substances. These alleged violations are set forth in greater detail in paragraph 2 of the Statement of Charges, which was filed by the Board simultaneously with this Order. These allegations include dispensing of schedule II controlled substances on the basis of prescriptions that have been falsified, the dispensing of schedule II controlled substances without valid prescriptions, the dispensing of schedule II controlled substances without any prescription whatsoever, and the dispensing of schedule II controlled substances on the basis of photocopied prescriptions.

4. The Board has reviewed the investigative information presented, and it appears that Respondent has repeatedly failed to meet the standard of care and has violated numerous laws governing the practice of pharmacy, including the dispensing of controlled substances.

5. On February 24, 2000, Respondent was arrested on several criminal charges arising out of the same facts as this case.

6. Respondent's apparent numerous violations of the standard of care and other applicable laws pose a significant risk to the health and safety of his patients.

7. Respondent continues to practice pharmacy and dispense drugs, including schedule II controlled substances, in the same retail setting.

### **CONCLUSIONS OF LAW**

8. The facts set forth above establish that Respondent appears to have committed the violations alleged against him in Counts I - IX in the Statement of Charges.

9. The Board concludes on the basis of the facts set forth above that this investigation has been sufficient to ensure the Board is proceeding on the basis of reliable information. Dispensing records and prescriptions have been obtained and audited by Board investigators, who are licensed pharmacists.

10. The facts set forth above establish that Respondent's continued practice of pharmacy would pose an immediate danger to the public health, safety, or welfare. The illegal dispensing of schedule II controlled substances poses considerable risk to the persons who obtain those substances, as those persons are using those substances without a physician or other health care provider determining whether use of those substances is medically indicated and appropriate. In addition, the illegal use of controlled substances poses a considerable risk of addiction on the part of those patients. Finally, Respondent's role in providing schedule II controlled substances to patients without a valid prescription could result in placing those patients in legal jeopardy. The Board believes patients will continue to suffer harm if the Respondent is allowed to continue to practice pharmacy before the Board reaches a final resolution of the formal charges pending against him.

11. The facts set forth above establish that Respondent may not continue to engage in any aspect of the practice of pharmacy without posing an immediate danger to the public health, safety or welfare. His inability to practice within the standard of care, his blatant disregard for the numerous laws governing the dispensing of schedule II controlled substances, his willingness to engage in dishonest conduct, and his failure to recognize the serious harm to patients that has or could result from his illegal practices indicate he is unsafe to continue any aspect of the practice of

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pharmacy.

12. The Board finds there are no monitoring requirements or other interim safeguards that would be sufficient to protect the public health, safety or welfare.

13. The immediate suspension of Respondent's license to practice pharmacy is necessary to avoid immediate danger to the public.

### ORDER

**IT IS HEREBY ORDERED**, in accordance with Iowa Code Section 17A.18A (1999 Supp.) and 657 Iowa Administrative Code 35.30, that the pharmacist license of Respondent Steven A. Helling be indefinitely suspended pending further order of the Board. Further, Respondent shall not be present at Helling Healthcare PC Pharmacy during the indefinite suspension. This indefinite suspension is effective immediately upon issuance of this order. Respondent shall be notified immediately of this order pursuant to 657 Iowa Administrative Code 35.30(2).

A hearing on this Emergency Adjudicative Order and the Statement of Charges, which have been filed concurrently with this order, shall be held on April 10, 2000. The hearing will begin at 1:00 p.m., and will be held at the Board's office, located at 400 S.W. 8<sup>th</sup> St., Suite E, Des Moines, Iowa.



ARLAN D. VAN NORMAN, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

Steven A. Helling  
Emergency Adjudicative Order

cc: Shauna Russell Shields  
Theresa O'Connell Weeg  
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**

---

Re:	)	Case No. 1999-82
Pharmacist License of	)	
<b>STEVEN A. HELLING</b>	)	<b>MODIFIED EMERGENCY</b>
License No. 15501	)	<b>ADJUDICATIVE ORDER</b>
Respondent	)	

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**COMES NOW** the Iowa Board of Pharmacy Examiners, and finds that on March 28, 2000, Respondent has contacted the Board to obtain a continuance of the hearing date which has been set in this matter in order to have sufficient time to prepare his defense to the pending charges. However, Respondent cannot request a continuance of the hearing if he is not able to be gainfully employed in some manner. Respondent has agreed that this matter shall be continued on the basis of the modifications to the Emergency Adjudicative Order filed on February 25, 2000, set forth in paragraphs 1 - 4, below.

**WHEREFORE, IT IS HEREBY ORDERED** that the Board shall continue the hearing date in this matter, and that there is a reasonable basis for modifying the Emergency Adjudicative Order filed on February 25, 2000. The Emergency Adjudicative Order is hereby modified as follows:

1. This Modified Emergency Adjudicative Order shall remain in effect until April 11, 2000. Respondent shall appear before the Board at its April 10-11, 2000, meeting to report to the Board regarding his compliance with the terms of this Order. Following that appearance the Board shall determine whether this Order shall be

continued. By appearing before the Board, Respondent waives any objection to a Board member both participating in the appearance and later participating as a decision maker in this contested case proceeding on the grounds that Board members have personally investigated the case, and that Board members have combined investigative and adjudicative functions.

2. Respondent shall obtain one or more Iowa-licensed pharmacists to provide pharmacy services at Helling Healthcare PC Pharmacy, 1124 Avenue H, Fort Madison, Iowa 52627. The name of each pharmacist shall be submitted to the Board for approval, and Respondent shall not return to practice until at least one of these pharmacists is approved by the Board. At the time the names are submitted to the Board for approval, each pharmacist shall submit a statement to the Board indicating they have read this Order and agree to comply with its terms. These Board-approved pharmacists shall be available to ensure that pharmacy services are provided at Helling Healthcare PC Pharmacy on a full-time basis.

3. The Schedule II controlled substances at Helling Healthcare PC Pharmacy are and shall continue to be maintained in a separate, locked area. Respondent shall be allowed no access to this area.

4. Respondent shall be allowed to practice pharmacy until this pending contested case proceeding is resolved under the following terms:

A. Respondent shall not be physically present or working at Helling Healthcare PC Pharmacy except on Tuesdays through Thursdays from 9:00 a.m. to 3:00 p.m.; and on Saturdays and Sundays.

Respondent shall not be physically present at Helling Healthcare PC Pharmacy unless at least one Board-approved pharmacist is also physically present at all times.

- B. Respondent shall not handle any Schedule II controlled substances for any reason. Only Board-approved, Iowa-licensed pharmacists employed at Helling Healthcare PC Pharmacy (excluding Respondent) shall have sole responsibility for all Schedule II controlled substances at Helling Healthcare PC Pharmacy
- C. Respondent may handle prescriptions for Schedule III , IV, and V controlled substances, but only if the issuance of each one of these prescriptions is directly supervised by a Board-approved pharmacist employed at Helling Healthcare PC Pharmacy.
- D. Respondent may handle prescriptions for any non-controlled medications without the direct supervision of any other pharmacist.
- E. Every Board-approved pharmacist employed at Helling Healthcare PC Pharmacy shall practice independently of Respondent, and Respondent shall not exert any coercion or control over the professional practice of pharmacy by any other pharmacist employed at Helling Healthcare PC Pharmacy.
- F. Respondent shall submit monthly reports to the Board commencing April 10, 2000, which contain the following information as to Respondent and each pharmacist employed at Helling Healthcare

PC Pharmacy during that month:

1. The number of hours worked by each pharmacist, including Respondent.
2. Any medication error which has been made by any pharmacist, including Respondent; a description of that error; and the steps taken to address the error.
3. The weekly prescription volume at Helling Healthcare PC Pharmacy for that month.
4. A general statement from Respondent regarding his compliance with this Order and his general well-being.
5. The signatures of each pharmacist employed at Helling Healthcare PC Pharmacy during that month verifying the information required by subparagraphs 1-3 of this section.

- G. Any violation of the terms of this Order by Respondent shall constitute a basis for the Board to rescind this Order and reinstate the terms of the Emergency Adjudicative Order filed February 25, 2000. Further, any violation of this Order shall constitute a violation of an order of the Board and shall form an additional ground for discipline against Respondent.

**WHEREFORE**, it is hereby ORDERED that the Emergency Adjudicative Order filed on February 25, 2000, be modified as set forth in Paragraph 4, above.



ARLAN D. VAN NORMAN, Chairperson  
Iowa Board of Pharmacy Examiners  
400 S.W. 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686

cc: Thomas G. Crabb  
604 Locust St.  
Des Moines, IA 50309

Shauna Russell Shields  
Theresa O'Connell Weeg  
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:	)	Case No. 1999-82
Pharmacist License of	)	
<b>STEVEN A. HELLING</b>	)	<b>SECOND MODIFIED</b>
License No. 15501	)	<b>EMERGENCY ADJUDICATIVE</b>
Respondent	)	<b>ORDER</b>

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**COMES NOW** the Iowa Board of Pharmacy Examiners, and finds that on April 11, 2000, Respondent appeared before the Board as requested. Following a discussion with Respondent, Respondent's spouse Bernadette Helling, and Respondent's attorney Thomas Crabb, concerning the current operating conditions and staffing of the Helling Healthcare PC Pharmacy, the Board agreed to issue this Second Modified Emergency Adjudicative Order.

**WHEREFORE, IT IS HEREBY ORDERED** that the Board shall continue the hearing date in this matter, and that there is a reasonable basis for further modification of the Emergency Adjudicative Order filed on February 25, 2000. The Emergency Adjudicative Order is hereby modified as follows:

1. This Second Modified Emergency Adjudicative Order shall be in effect until July 13, 2000. Respondent shall appear at its July 11-12, 2000, meeting to report to the Board regarding his compliance with the terms of this Order. Following that appearance the Board shall determine whether this Order shall be continued. By appearing before the board, Respondent waives any objection to a Board member both participating in the appearance and later participating as a decision maker in this contested case proceeding on the grounds that Board

members have personally investigated the case, and that Board members have combined investigative and adjudicative functions.

2. Respondent shall obtain one or more Iowa-licensed pharmacists to provide pharmacy services at Helling Healthcare PC Pharmacy, 1124 Avenue H, Fort Madison, Iowa 52627. The name of each pharmacist shall be submitted to the Board for approval, and Respondent shall not return to practice until at least one of these pharmacists is approved by the Board. At the time the names are submitted to the board for approval, each pharmacist shall submit a statement to the Board indicating they have read this Order and agree to comply with its terms. These Board-approved pharmacists shall be available to ensure that pharmacy services are provided at Helling Healthcare PC Pharmacy on a full-time basis.

3. The Schedule II controlled substances at Helling Healthcare PC Pharmacy are and shall continue to be maintained in a separate, locked area. Respondent shall be allowed no access to this area.

4. Respondent shall be allowed to practice pharmacy until this pending contested case proceeding is resolved under the following terms:

- A. Respondent may be physically present at Helling Healthcare PC Pharmacy no more than 32 hours per week. Respondent shall not be physically present at Helling Healthcare PC Pharmacy unless at least one Board-approved pharmacist is also physically present at all times.

- B. Respondent shall not handle any Schedule II controlled substances for any reason. Only Board-approved, Iowa-licensed pharmacists employed at Helling Healthcare PC Pharmacy (excluding Respondent) shall have sole responsibility for all Schedule II controlled substances at Helling Healthcare PC Pharmacy.
- C. Respondent may handle prescriptions for Schedule III , IV, and V controlled substances, but only if the issuance of each one of these prescriptions is directly supervised by a Board-approved pharmacist employed at Helling Healthcare PC Pharmacy.
- D. Respondent may handle prescriptions for any non-controlled medications without the direct supervision of any other pharmacist.
- E. Every Board-approved pharmacist employed at Helling Healthcare PC Pharmacy shall practice independently of Respondent, and Respondent shall not exert any coercion or control over the professional practice of pharmacy by any other pharmacist employed at Helling Healthcare PC Pharmacy.
- F. Respondent shall submit monthly reports to the Board commencing May 10, 2000, which contain the following information as to Respondent and each pharmacist employed at Helling Healthcare PC Pharmacy during that month:
  - 1. The number of hours worked by each pharmacist. Respondent shall report hours worked by Respondent each day during each reporting period.
  - 2. Any medication error which has been made by any pharmacist, including Respondent; a description of that error; and the steps taken to address the error.

3. The weekly prescription volume at Helling Healthcare PC Pharmacy for that month.
  4. A general statement from Respondent regarding his compliance with this Order and his general well-being.
  5. The signatures of each pharmacist employed at Helling Healthcare PC Pharmacy during that month verifying the information required by subparagraphs 1-3 of this section.
- G. Any violation of the terms of this Order by Respondent shall constitute a basis for the Board to rescind this Order and reinstate the terms of the Emergency Adjudicative Order filed February 25, 2000. Further, any violation of this Order shall constitute a violation of an order of the Board and shall form an additional ground for discipline against Respondent.

**WHEREFORE**, it is hereby ORDERED that the Emergency Adjudicative Order filed on February 25, 2000, be modified as set forth in Paragraph 4, above.



ARLAN D. VAN NORMAN, Chairperson  
Iowa Board of Pharmacy Examiners  
400 S.W. 8<sup>th</sup> Street, Suite E  
Des Moines, IA 50309-4688

cc: Thomas G. Crabb  
604 Locust St.  
Des Moines, IA 50309

Shauna Russell Shields  
Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

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

---

Re:	)	Case No. 1999-82
Pharmacist License of	)	
<b>STEVEN A. HELLING</b>	)	<b>THIRD MODIFIED</b>
License No. 15501	)	<b>EMERGENCY ADJUDICATIVE</b>
Respondent	)	<b>ORDER</b>

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**COMES NOW** the Iowa Board of Pharmacy Examiners, and finds that on July 10, 2000, Respondent appeared before the Board as requested. Following a discussion with Respondent, Respondent's spouse Bernadette Helling, and Respondent's attorney Thomas Crabb, concerning the current operating conditions and staffing of the Helling Healthcare PC Pharmacy, the Board agreed to issue this Third Modified Emergency Adjudicative Order.

**WHEREFORE, IT IS HEREBY ORDERED** that the Board shall continue the hearing date in this matter, and that there is a reasonable basis for further modification of the Emergency Adjudicative Order filed on February 25, 2000. The Emergency Adjudicative Order is hereby modified as follows:

1. This Third Modified Emergency Adjudicative Order shall be in effect until the statement of charges filed against Respondent's license on February 25, 2000, is resolved. Respondent shall appear before the Board at the Board's discretion or upon Respondent's request. By appearing before the board, Respondent waives any objection to a Board member both participating in the appearance and later participating as a decision maker in this contested case proceeding on the grounds that Board members have personally investigated the

case, and that Board members have combined investigative and adjudicative functions.

2. Respondent shall obtain one or more Iowa-licensed pharmacists to provide pharmacy services at Helling Healthcare PC Pharmacy, 1124 Avenue H, Fort Madison, Iowa 52627. The name of each pharmacist shall be submitted to the Board for approval, and Respondent shall not return to practice until at least one of these pharmacists is approved by the Board. At the time the names are submitted to the board for approval, each pharmacist shall submit a statement to the Board indicating they have read this Order and agree to comply with its terms. These Board-approved pharmacists shall be available to ensure that pharmacy services are provided at Helling Healthcare PC Pharmacy on a full-time basis.

3. The Schedule II controlled substances at Helling Healthcare PC Pharmacy are and shall continue to be maintained in a separate, locked area. Respondent shall be allowed no access to this area.

4. Respondent shall be allowed to practice pharmacy until this pending contested case proceeding is resolved under the following terms:

- A. Respondent may be physically present at Helling Healthcare PC Pharmacy no more than 32 hours per week. Except as specifically provided herein, Respondent shall not be physically present at Helling Healthcare PC Pharmacy unless at least one Board-approved pharmacist is also physically present at all times. Respondent may be physically present at Helling Healthcare PC

Pharmacy on Saturdays between 9:00 a.m. and 1:00 p.m. without the presence of a board-approved pharmacist provided that he will not dispense any controlled substances while working unsupervised on Saturdays. As a condition of the Board's granting Respondent permission to work in the Helling Healthcare PC Pharmacy alone on Saturday mornings, Respondent will make computer print-outs of the drugs dispensed on any Saturday that he works alone and will require a Board-approved pharmacist to perform an inventory of all Schedule II controlled substances at the close of business on the Friday before Respondent works in the pharmacy alone and again at the opening of business on the following Monday.

- B. Respondent shall not handle any Schedule II controlled substances for any reason. Only Board-approved, Iowa-licensed pharmacists employed at Helling Healthcare PC Pharmacy (excluding Respondent) shall have sole responsibility for all Schedule II controlled substances at Helling Healthcare PC Pharmacy.
- C. Respondent may handle prescriptions for Schedule III , IV, and V controlled substances, but only if the dispensing of each one of these prescriptions is directly supervised by a Board-approved pharmacist employed at Helling Healthcare PC Pharmacy.
- D. Respondent may handle prescriptions for any non-controlled medications without the direct supervision of any other pharmacist.

- E. Every Board-approved pharmacist employed at Helling Healthcare PC Pharmacy shall practice independently of Respondent, and Respondent shall not exert any coercion or control over the professional practice of pharmacy by any other pharmacist employed at Helling Healthcare PC Pharmacy.
- F. Respondent shall submit monthly reports to the Board commencing May 10, 2000, which contain the following information as to Respondent and each pharmacist employed at Helling Healthcare PC Pharmacy during that month:
1. The number of hours worked by each pharmacist. Respondent shall report hours worked by Respondent each day during each reporting period.
  2. Any medication error which has been made by any pharmacist, including Respondent; a description of that error; and the steps taken to address the error.
  3. The weekly prescription volume at Helling Healthcare PC Pharmacy for that month.
  4. A general statement from Respondent regarding his compliance with this Order and his general well-being.
  5. The signatures of each pharmacist employed at Helling Healthcare PC Pharmacy during that month verifying the information required by subparagraphs 1-3 of this section.
  6. By submitting such reports to the Board, Respondent waives any objection to a Board member receiving the reports while this contested case proceeding is pending on the grounds that receipt of the information constitutes an ex parte communication, that Board members have personally investigated the case, and that Board members have combined investigative and adjudicative functions.
- G. Any violation of the terms of this Order by Respondent shall constitute a basis for the Board to rescind this Order and reinstate

the terms of the Emergency Adjudicative Order filed February 25, 2000. Further, any violation of this Order shall constitute a violation of an order of the Board and shall form an additional ground for discipline against Respondent.

**WHEREFORE**, it is hereby ORDERED that the Emergency Adjudicative Order filed on February 25, 2000, be modified as set forth in Paragraph 4, above.



Matthew C. Osterhaus, Chairperson  
Iowa Board of Pharmacy Examiners  
400 S.W. 8<sup>th</sup> Street, Suite E  
Des Moines, IA 50309-4688

cc: Thomas G. Crabb  
604 Locust St.  
Des Moines, IA 50309

Shauna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

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

Re: )  
Pharmacist License of )  
**STEVEN A. HELLING** )  
License No. 15501 )  
Respondent )

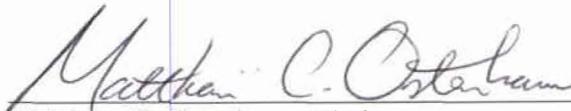
**ORDER  
ACCEPTING  
SURRENDER OF  
PHARMACIST LICENSE**

*COMES NOW*, Matthew C. Osterhaus, Chairperson of the Iowa Board of Pharmacy Examiners, on the 10<sup>th</sup> day of October, 2001, and declares that:

1. The Respondent's Iowa pharmacist license number is 15501.
2. Respondent has now decided to relinquish his Iowa pharmacist license.
3. On October 10, 2001, 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 15001 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



Matthew C. Osterhaus, Chairperson

## VOLUNTARY SURRENDER OF LICENSE TO PRACTICE PHARMACY

I, Steven A. Helling, of 2180 Highway 61, Fort Madison, Iowa 52627, 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 license to practice pharmacy in the State of Iowa, number 15501, 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, Steven A. Helling, being affixed to this voluntary surrender document.

I, Steven A. Helling, 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 pursuant to Chapter 155A, Code of Iowa (2001).
- (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, Steven A. Helling, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a license to practice pharmacy 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 . . . has been revoked . . . 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 must successfully pass the North American Pharmacist Licensure Examination

(NAPLEX) or the 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 (17A, 124B, 147, 155A, 272C).
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.

I, Steven A. Helling, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which a license is required.

09-24-2001  
Date of Signature

Steven A. Helling  
Steven A. Helling

State of Iowa :  
Lee :SS  
~~Polk~~ County :

Subscribed and sworn to me by Steven A. Helling on this 24 day of Sept, 2001.



Stella Etko  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA