

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

Re:)	Case No. 2004-61
Pharmacist License of)	
SCOTT S. JOHnk,)	STATEMENT OF CHARGES
License No. 14852,)	
Respondent.)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") 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 (2003).
3. On July 27, 1976, the Board issued Respondent, Scott S. Johnk, by reciprocity, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 14852, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license renewal application is current and active until June 30, 2006.
5. Respondent's current address is 240 Oak Tree Lane, Ozark, Missouri, 65721.

A. CHARGES

COUNT I – VIOLATION OF LAWS RELATING TO PHARMACY

Respondent is charged under Iowa Code § 155A.12(1) (2003), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j), with violating Missouri and United States laws relating to pharmacy and the distribution of controlled substances.

COUNT II – MAKING FRAUDULENT REPRESENTATIONS

Respondent is charged under Iowa Code § 155A.12(1) (2003), and 657 Iowa Administrative Code § 36.1(4)(c) with knowingly making misleading, deceptive, untrue and fraudulent representations in the practice of pharmacy and engaging in unethical conduct,

specifically, falsification of prescriptions to attain access to controlled substances and other prescription medications.

COUNT III – FAILURE TO REPORT DISCIPLINE

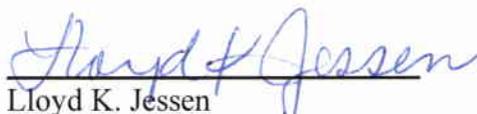
Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4)(k) with failing to report, within 30 days, the final decision of a licensing authority which resulted in a disciplinary sanction (probation) relating to his license to practice pharmacy in Missouri.

B. CIRCUMSTANCES

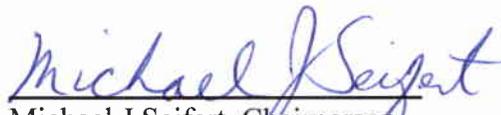
On or about June 28, 2004, Respondent self-reported – in connection with his license renewal application – discipline of his license to practice in Missouri. A review of the records related to the Missouri discipline reveals the following:

1. On September 18, 2003, Respondent entered into a settlement agreement with the Missouri State Board of Pharmacy in which Respondent stipulated that from January 26, 2002 through September 30, 2002 he misappropriated Hydrocodone and Carisoprodol for his personal consumption by fabricating prescription orders – and then filling the prescriptions and purchasing the drugs for himself at his place of employment.
2. The settlement agreement provided that Respondent's Missouri license to practice pharmacy would be placed on probation for a 3 year period, during which Respondent is required to meet an extensive list of probationary terms.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such disciplinary action as it may deem to be appropriate under the law.


Lloyd K. Jessen
Executive Secretary/Director

On this 7 day of October 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Michael J Seifert, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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

Re:)	Case No. 2004-61
Pharmacist License of)	
SCOTT S. JOHNS)	STIPULATION
License No. 14852)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Scott S. Johns (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on July 27, 1976, by reciprocity, as evidenced by Pharmacist License Number 14852, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2006.
3. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist in the State of Missouri, where Respondent's license to practice pharmacy was the subject of a disciplinary order dated September 18, 2003.
4. A Statement of Charges was filed against Respondent by the Board on October 7, 2004.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter

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of these proceedings.

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's Iowa registration shall be placed on probation for a term of three (3) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Probation is granted under the following conditions, which Respondent agrees to follow:

- a. Respondent shall not consume alcohol.
- b. Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. Respondent shall inform any treating physician or other treating health care provider of his history of chemical dependency.
- c. Respondent shall not possess any controlled substance except medications prescribed in accordance with the preceding paragraph.
- d. Respondent agrees to continue medical and substance abuse treatment by a physician or treatment-provider approved by the Missouri State Board of Pharmacy, in accordance with the terms of the settlement agreement (hereinafter, "Settlement") executed between the Missouri Board and Respondent on September 18, 2003. Respondent shall provide to the Board a copy of the

evaluation report described in paragraph 37(E)(b) of the Settlement. Respondent shall also provide to the Board copies of all reports of ongoing treatment as required by paragraph 37(E)(b) of the Settlement, including a statement containing a description of the specific elements of ongoing treatment.

e. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.

f. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment-provider. Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. Each statement shall include the time, date, and location of the meetings attended.

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

h. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone

number, within ten (10) days of such a change.

i. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. Each report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

j. Respondent shall not serve as a pharmacist-in-charge or as a preceptor.

k. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

l. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer, and any pharmacist-in-charge he works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.

m. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date,

time, and place for the appearances.

n. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2005) and 657 IAC 36.

9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

10. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

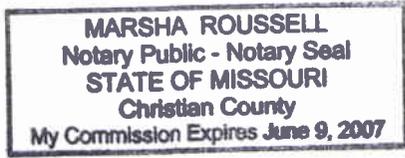
11. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

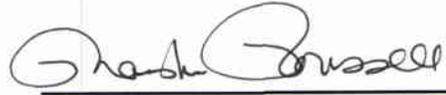
This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 21 day of June 2005.



Scott S. Johnk, R.Ph.
Respondent

Subscribed and sworn to before me by Scott S. Johnk on this 21 day of June 2005.




NOTARY PUBLIC IN AND FOR
THE STATE OF ~~IOWA~~ Missouri

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 12 day of July 2005.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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