

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

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Re: )  
Pharmacist License of )  
**BRENT E. JOHNSON** ) **STATEMENT OF CHARGES**  
License No. 18226 )  
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 (1997).

3. On July 26, 1994, Brent E. Johnson, the Respondent, was issued license number 18226 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 18226 is current and active until June 30, 1998.

5. Respondent currently resides at Route 9, Box 13, Bloomfield, Iowa 52537.

6. Respondent is currently unemployed.

**COUNT I**

The Respondent is charged with unlawful possession of prescription drugs in violation of 1997 Iowa Code § 155A.21 and 657 Iowa Administrative Code Sections 9.1(4)(h), 9.1(4)(j), and 9.1(4)(u).

## COUNT II

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(d), 9.1(4)(h), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u).

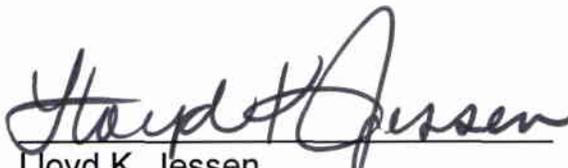
## COUNT III

The Respondent is charged with making medication dispensing errors in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(h), 9.1(4)(j), and 9.1(4)(u).

## THE CIRCUMSTANCES

1. On July 8, 1997, Respondent was arrested in Monroe County, Iowa, and charged with unlawful possession of a prescription drug and theft in the 4th degree.
2. Respondent admitted to police officers that he stole the following prescription drugs from the Monroe County Hospital in Albia, Iowa: Prilosec®, Forane®, Zoloft®, racepinephrine, and cyclobenzaprine. He also admitted that he has abused a general anesthetic.
3. It is alleged that Respondent has made numerous dispensing errors when dispensing medications at the Monroe County Hospital in Albia, Iowa. It is further alleged that a physical ailment contributed to the dispensing errors.

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 15th day of July, 1997, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



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Phyllis A. Olson, Chairperson  
Iowa Board of Pharmacy Examiners  
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**

RECEIVED

SEP 09 1997

IOWA PHARMACY EXAMINERS

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Re: Pharmacist License of  
**BRENT E. JOHNSON**  
License No. 18226  
Respondent

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**STIPULATION  
AND  
INFORMAL SETTLEMENT**  
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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Brent E. Johnson, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 26th day of July, 1994, by examination, as evidenced by license number 18226, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 18226 issued to and held by Respondent is current and active until June 30, 1998.
3. Respondent is currently unemployed.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on July 15, 1997.
5. The Board has jurisdiction over the parties and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the suspension of his license to practice pharmacy in Iowa.
7. Respondent's license to practice pharmacy is suspended indefinitely.

8. Respondent may apply for reinstatement upon a showing of satisfaction of the terms of paragraphs 9 and 10 of this Stipulation and Informal Settlement.

9. Until Respondent's license is reinstated, he shall report to the Board in writing once every three (3) months. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year. The reports shall include the Respondent's current status, including home address and telephone number, progress in medical treatment and substance abuse rehabilitation, resolution of pending criminal charges, and compliance with applicable federal and state drug laws and criminal laws. Respondent's first report shall be filed with the Board not later than December 5, 1997.

10. Respondent shall submit to the Board, in writing, a method for documenting, resolving, and preventing medication dispensing errors in the practice of pharmacy. The method shall include a procedure for Respondent to follow when a dispensing error occurs. The method shall also require that all records of Respondent's dispensing errors be consistently and periodically evaluated by the Respondent as part of a cycle of continuous quality improvement. Following review and approval by the Board, the Respondent will adopt, implement, and adhere to this method if and when his license to practice pharmacy is reinstated. *In addition*, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in medication dispensing errors. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

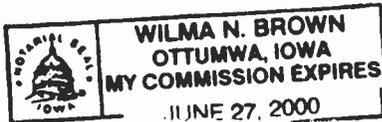
11. Upon Respondent's application for reinstatement, the Respondent shall be scheduled for a formal or informal reinstatement conference with the Board or the Board's designee. Upon showing satisfaction of the above terms and the applicable requirements for reinstatement contained in 657 Iowa Administrative Code § 9.23, additional license conditions may be imposed or proposed by the Board for inclusion in a reinstatement order or supplemental informal settlement.

12. This Stipulation and Informal Settlement is subject to approval of a majority of the full 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 Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 8 day of September, 1997.

  
\_\_\_\_\_  
BRENT E. JOHNSON, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 8<sup>th</sup> day of September, 1997.



  
\_\_\_\_\_  
WILMA N. BROWN  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10<sup>th</sup> day of September, 1997.

  
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PHYLLIS A. OLSON, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

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

---

Re:	)	
Pharmacist License of	)	
<b>BRENT E. JOHNSON</b>	)	<b>AMENDED</b>
License No. 18226	)	<b>STIPULATION</b>
Respondent	)	<b>AND</b>
	)	<b>CONSENT ORDER</b>
	)	

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COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Brent E. Johnson, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order amending the Stipulation and Consent Order previously entered into by the Board and the Respondent settling the contested case filed by the Board against the Respondent on July 15, 1997:

The Stipulation and Consent Order entered into between the Board and the Respondent dated September 10, 1997 is hereby amended as follows:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 26<sup>th</sup> day of July, 1994, by examination, as evidenced by Pharmacist License Number 18226, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 18226, issued to and held by Respondent is currently suspended pursuant to the Stipulation and Informal Settlement dated September 10, 1997.

3. Respondent is not currently employed as a pharmacist.
4. A Statement of Charges was filed against Respondent on July 15, 1997. The Statement of Charges was resolved by the Stipulation and Informal Settlement dated September 10, 1997 that was entered into by the Board and the Respondent.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Upon the date of the Board's approval of this Amended Stipulation and Consent Order and Respondent's submission of a proper application and the required \$110.00 registration fee, Respondent shall be permitted to register as a pharmacist-intern pursuant to the provisions of 657 Iowa Administrative Code chapter 4 for a period of twelve months, under the following terms and conditions:
  - a. Respondent must successfully complete a minimum of six months and 500 hours of internship, pre-approved by the Board. In order to obtain pre-approval of his internship, the Respondent's proposed preceptor must submit to the Board office a written description of the pharmacy practice and the duties of the Respondent as an intern. Respondent shall complete the objectives of internship as provided by 657 Iowa Administrative Code § 4.2(2). Respondent shall submit affidavits of the preceptors under whose supervision the Respondent obtained the competencies pursuant to 657 Iowa Administrative Code §§ 4.6(2)(c) and 4.9(2) as evidence of completion of the objectives of internship.
  - b. Respondent shall submit the thirty (30) hours of continuing education that

he had completed as of July 15, 1999 to the Board for review and approval. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board or before Respondent's license to practice pharmacy is reinstated pursuant to the provisions of paragraph 9, whichever is sooner, the Respondent shall complete an additional thirty (30) hours of continuing pharmacy education (CPE). The education shall be pre-approved by the Board and shall include CPE's regarding new drugs and medication errors. Documentation of satisfactory completion of the education shall be submitted to the Board.

- c. Respondent shall not consume alcohol.
- d. Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
- e. Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with any drug therapy ordered by Respondent's physician, all costs of which shall be paid by the Respondent.
- f. 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 the Respondent's compliance with the treatment program.

- g. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.
- h. Respondent shall attend at least one aftercare meetings and/or Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings each week. The Respondent shall append to each quarterly report referred to in subparagraph 6(g) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.
- i. Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances.
- j. Respondent shall obey all federal and state laws and regulations

substantially related to the practice of pharmacy and the distribution of controlled substances.

- k. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education as directed by the Board.
- l. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
- m. Respondent shall work only under the direct and immediate supervision of a licensed pharmacist. Respondent shall not work alone in any pharmacy at any time.
- n. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- o. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse and a current assessment of Respondent's physical and mental condition. Respondent also agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse,

is effective for five (5) years from the date of the Board's approval of this Stipulation and Consent Order.

- p. Respondent agrees to release all criminal probation records to the Board, including all records pertaining to compliance with his probation and his treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's probation officer.
  - q. Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. 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 the pharmacist-in-charge that 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.
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 the Respondent's Iowa pharmacist-intern registration or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.

9. Respondent may apply for reinstatement of his pharmacist license upon successful completion of at least 6 months and 500 hours as a pharmacist-intern, including completion of the internship objectives pursuant to paragraph 6(a). As conditions of reinstatement of his pharmacist license, Respondent must (1) show that he has satisfied the terms and conditions of paragraph 6, above; (2) submit a substance abuse evaluation by his treating physician or counselor certifying that the physician or counselor believes Respondent is ready to return to the practice of pharmacy; and (3) 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, as required by 657 Iowa Administrative Code § 36.13. If Respondent's pharmacist license is reinstated, his license shall be placed on probation under the terms and conditions of probation set forth in paragraph 6(c) - (q).
10. In the event Respondent leaves Iowa to reside or to practice pharmacy outside the State of Iowa, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Consent Order. However, evidence that Respondent has failed to abide by the terms of subparagraphs 6(c) or 6(d) of this Consent Order while outside the state shall constitute a violation of this Consent Order.
11. This Stipulation and Consent Order is the resolution of the Respondent's request for reinstatement. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on his application for

reinstatement and waives any objections to this Stipulation and Consent Order.

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

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

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14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 2<sup>nd</sup> day of September, 1999.

  
Brent E. Johnson, R.Ph.  
Respondent

Subscribed and sworn to before me by Brent E. Johnson on this 2<sup>nd</sup> day of September, 1999.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA



15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 15<sup>th</sup> day of Sept., 1999.



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

cc: Shauna Russell Shields  
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	)	
<b>BRENT E. JOHNSON</b>	)	<b>REINSTATEMENT</b>
License No. 18226	)	<b>ORDER</b>
Respondent	)	

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COMES NOW the Iowa Board of Pharmacy Examiners (“the Board”) and pursuant to the terms and conditions of the Amended Stipulation and Consent Order entered into between the Board and the Respondent dated September 15, 1999, enters the following Reinstatement Order effective September 21, 2000:

1. The Respondent was issued a license to practice pharmacy in Iowa on the 26<sup>th</sup> day of July, 1994, by examination, as evidenced by Pharmacist License Number 18226, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Iowa Pharmacist License Number 18226, issued to and held by Respondent was suspended pursuant to the Stipulation and Informal Settlement dated September 10, 1997.
3. A Statement of Charges was filed against Respondent on July 15, 1997. The Statement of Charges was resolved by the Stipulation and Informal Settlement dated September 10, 1997 that was entered into by the Board and the Respondent.
4. The Respondent entered into an Amended Stipulation and Consent Order that was approved by the Board on September 15, 1999. The Amended Stipulation and

Consent Order permitted the Respondent to register as a pharmacist-intern under certain terms and conditions. The Amended Stipulation and Consent Order further permitted the Respondent to apply for reinstatement of his pharmacist license after fulfilling certain conditions that the Respondent has now met.

5. The Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Pursuant to the terms and conditions of the Amended Stipulation and Consent Order, the Respondent's license to practice pharmacy is hereby reinstated and placed on probation for a period of five (5) years under the following terms and conditions:
  - a. Respondent shall not consume alcohol.
  - b. Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
  - c. Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with any drug therapy ordered by Respondent's physician, all costs of which shall be paid by the Respondent.

- d. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.
- f. Respondent shall attend at least one aftercare meetings and/or Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings each week. The Respondent shall append to each quarterly report referred to in subparagraph 6(e) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.
- g. Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances.

- h. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
- i. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education as directed by the Board.
- j. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
- k. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- l. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse and a current assessment of Respondent's physical and mental condition. Respondent also agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for five (5) years from the date of the Board's approval of this Stipulation and Consent Order.

- m. Respondent agrees to release all criminal probation records to the Board, including all records pertaining to compliance with his probation and his treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's probation officer.
  - n. Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. 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 the pharmacist-in-charge that 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.
7. Should Respondent violate or fail to comply with any of the terms or conditions of this Reinstatement Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.
8. In the event Respondent leaves Iowa to reside or to practice pharmacy outside the State of Iowa, Respondent shall notify the Board in writing of the dates of

departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Reinstatement Order. However, evidence that Respondent has failed to abide by the terms of subparagraphs 6(a) or 6(b) of this Reinstatement Order while outside the state shall constitute a violation of this Reinstatement Order.

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



MATTHEW C. OSTERHAUS, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

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