

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Pharmacist License of)	Case No. 2007-131
ROBERT W. JOHNSON)	
License No. 17229,)	STATEMENT OF CHARGES
Respondent.)	

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

1. He is the Executive Director of the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2007).
3. Robert W. Johnson (hereinafter, "Respondent") was originally licensed as a pharmacist in Iowa, by reciprocity, on July 11, 1989, as evidenced by license number 17229.
4. Respondent's pharmacist license number 17229 is current and active until June 30, 2009, subject to the laws of the State of Iowa and the rules of the Board.
5. Respondent's current address is 2917 Plank road, Keokuk, Iowa 52632.
6. Respondent was, at all times material to this statement of charges, employed as a pharmacist at the Keokuk Area Hospital, 1600 Morgan Street, Keokuk, Iowa 52632.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa.

COUNT II – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1), 155A.21 and 155A.23(1), (2) and (12) (2007) and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

COUNT III – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code §§ 124.403(c) and 155A.12(5) (2007), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT IV – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(14) (2007) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to himself in the absence of a prescription.

COUNT V – FAILURE TO MAINTAIN RECORDS AND CONTROL OVER DRUGS

Respondent is charged with failing to maintain complete and adequate records of purchases and disposal of drugs listed in the controlled substances act in violation of Iowa Code §§ 155A.12 (4) and (5) (2007), and § 155A.23(12) (2007), and 657 Iowa Administrative Code § 36.1(4)(ac), and with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.12(5) and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

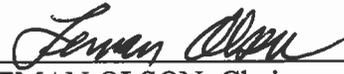
B. CIRCUMSTANCES

Circumstances supporting the charges are set forth on Attachment A.

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 17 day of February 2009, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



LEMAN OLSON, 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

Johnson R-SOC 12-08

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

Re:)	ORDER
Pharmacist License of)	ACCEPTING
ROBERT W. JOHNSON)	SURRENDER OF
License No. 17229)	PHARMACIST LICENSE

COMES NOW, Lemman E. Olson, Chairperson of the Iowa Board of Pharmacy, on April 29, 2009, and declares that:

1. On March 13, 2009, Respondent executed a voluntary surrender of his pharmacist license number 17229.

3. On April 29, 2009, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 17229 is hereby accepted.

IOWA BOARD OF PHARMACY



LEMAN E. OLSON, Chairperson

VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Robert W. Johnson, a resident of Keokuk, Iowa, 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 State of Iowa pharmacist license, number 17229, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, Robert W. Johnson, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat by any representative, officer, or employee of the Iowa Board of Pharmacy, or by any other state official, do hereby further acknowledge that by signing this surrender statement I am knowingly and willingly giving up my right to exercise the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure as a pharmacist pursuant to Iowa Code Chapter 155A (2009).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- (3) My right to submit evidence and to have witnesses called on my own behalf at formal hearing.

I, Robert W. Johnson, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Pre-requisites. The individual shall satisfy all 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.

36.13(2) Pharmacist license revoked or surrendered -- examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. 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 36.14 (17A, 124B, 147, 155A, 272C).

36.13(4) Burden of proof. 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.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall 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, Robert W. Johnson, hereby further give my assurance that I will not engage, in any manner, in the practices of a pharmacist in the State of Iowa for which a license is required.

3/13/2009
Date of signature

Robert W. Johnson
Robert W. Johnson

State of Iowa :

: SS

County of Lee :

Subscribed and sworn to before me by ~~Robert W. Johnson~~ on this ___ day of March 2009.

Patricia Peevler

NOTARY PUBLIC FOR THE STATE OF ~~NEBRASKA~~

IOWA

Brown-surrender.doc

