

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

Re:)
Pharmacist License of)
SCOTT E. JOHNSON) **STATEMENT OF CHARGES**
License No. 17585)
Respondent)

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 April 15, 1991, the Respondent, was issued license number 17585 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 17585 is current and active until June 30, 1998.

5. Respondent currently resides at 2152 Grand Avenue #25, West Des Moines, Iowa 50265.

6. Respondent is currently employed as a pharmacist at Mortar & Pestle Veterinary Pharmacy, 3701 Beaver Avenue, Des Moines, Iowa 50310. He has been employed there since about March 25, 1996.

COUNT I

The Respondent is charged under Iowa Code § 155A.12 (1997) and 657 Iowa Administrative Code §§ 8.5(4), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with nonconformance with law.

THE CIRCUMSTANCES

Investigative findings indicate that between March 25, 1996, and May 12, 1998, Respondent has failed to comply with the minimum standards applicable to the practice of pharmacy at the Mortar & Pestle Veterinary Pharmacy by failing to properly supervise and utilize pharmacy technicians, pharmacy students, and pharmacist-interns; failing to provide the final verification for the accuracy of compounded prescriptions for which he was ultimately responsible; failing to comply with all of the requirements contained in 657 I.A.C. chapter 20 (Pharmacy Compounding Practices); and failing to comply with all applicable requirements for the preparation of sterile products.

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 12th day of May, 1998, 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
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Hoover State Office Building
Capitol Complex
Des Moines, Iowa 50319

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

Re:)
Pharmacist License of) **ANSWER TO STATEMENT OF**
SCOTT E. JOHNSON) **CHARGES**
License No. 17585)
Respondent)

COMES NOW, the Respondent, Scott E. Johnson, and for his Answer to the Statement of Charges states:

1. Respondent admits paragraphs 1 thru 6 thereof.
2. Respondent denies Count I in its entirety and each and every allegation contained in the circumstances alleged therein.

WHEREFORE, the Respondent prays that this matter be dismissed.



David H. Luginbill (PK0003331)
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ATTORNEYS FOR RESPONDENT

Original filed.
Copy mailed to:

Linny Emrich
Assistant Attorney General
Hoover State Office Building
Capitol Complex
Des Moines, Iowa 50319

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT THE FOREGOING INSTRUMENT WAS SERVED UPON ALL PARTIES TO THE ABOVE CAUSE TO EACH OF THE ATTORNEYS OF RECORD HEREIN AT THEIR RESPECTIVE ADDRESSES DISCLOSED ON THE PLEADINGS ON

_____ 5-29 , 1998
BY U.S. MAIL FAX
 HAND DELIVERED PRIVATE CARRIER
SIGNATURE Gwen Poindexter

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

Re:)	
Pharmacist License of)	
SCOTT E. JOHNSON)	STIPULATION
License No. 17585)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Scott E. Johnson, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), enter into the following Stipulation and Consent Order settling the contested case currently on file:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on May 12, 1998, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 15th day of April, 1991, as evidenced by Pharmacist License Number 17585, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 17585, issued to and held by Respondent is active and current until June 30, 2000.
3. Respondent is currently employed as a pharmacist at Altoona Pharmacy in Altoona, Iowa.

4. A Statement of Charges was filed against Respondent on May 12, 1998.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent's license shall be placed on probation for three (3) years, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his written policies and procedures for the following: (a) dispensing accuracy, including policies and procedures for verification of a valid prescription and a bona fide prescriber/patient/pharmacist relationship before distribution, (b) compliance with the requirements for Pharmacy Compounding Practices set forth in 657 IAC chapter 20, and (c) compliance with applicable requirements for the preparation of sterile products. The written policies and procedures shall relate to Respondent's practice of pharmacy in his current work setting. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy.
 - b. Within one year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education. The education

shall be *not less than* thirty (30) 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.

- c. 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.
 - d. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.
 - e. 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.
 - f. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
 - g. Respondent shall not serve as the pharmacist in charge of a pharmacy.
 - h. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
8. Respondent shall notify all present and prospective employers 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 to report to the Board in writing acknowledging that the employer has read this document and understands it.

9. 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 7(a) or 7(b) of this Consent Order while outside the state shall constitute a violation of this Consent Order.
10. Respondent may apply for modification of the provisions prohibiting Respondent from serving as a pharmacist in charge, serving as a pharmacy preceptor, or supervising registered pharmacist interns after he has successfully completed one year of probation. Respondent may also apply for a reduction in the length of the probationary period.
11. 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 license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 9.1.
12. 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.

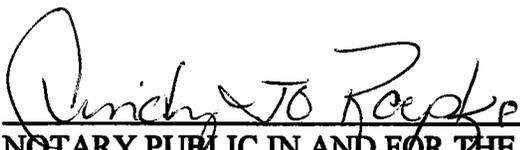
13. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
14. 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.
15. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.
16. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 28 day of April, 1999.



Scott E. Johnson, B.Ph.
Respondent

Subscribed and sworn to before me by Scott E. Johnson on this 28 day of
April, 1999.



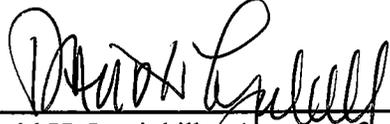


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

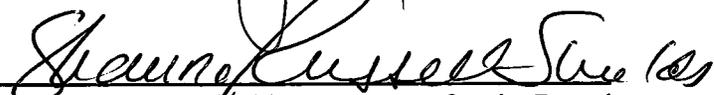
17. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy
Examiners on the 16th day of July, 1999.


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

APPROVED AS TO FORM:



David H. Luginbill - Attorney for Respondent



Shauna Russell Shields - Attorney for the Board

cc: David H. Luginbill
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