

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

Re:)	Case No. 2000-15509
Pharmacist License of)	
VERLE DEAN JOHNSON)	COMBINED
License No. 15509)	STATEMENT OF CHARGES
Respondent)	AND
)	INFORMAL SETTLEMENT
)	

COMES NOW the Iowa Board of Pharmacy Examiners (Board) and Verle Dean Johnson, R.Ph. (Respondent) and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into the following statement of charges and informal settlement agreement.

STATEMENT OF CHARGES

- A. The Iowa Board of Pharmacy Examiners has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1999).
- B. On July 9, 1979, the Board issued Respondent, Verle Dean Johnson, a license to engage in the practice of pharmacy by examination as evidenced by license number 15509, subject to the laws of the State of Iowa and the rules of the Board.
- C. License number 15509 is current and active until June 30, 2002.
- D. Respondent's current address is 610 West Rochester, Ottumwa, Iowa 50501.
- E. Respondent is currently employed as the pharmacist in charge at Drug Town Pharmacy #7065, 1140 North Jefferson Street, Ottumwa, Iowa 52501, and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged with unlawful possession of prescription drugs in violation of 1999 Iowa Code § 155A.21 and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.4(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 1999 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(u).

COUNT III

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2(1) & (2) & 36.1(4) with failure to ensure that the pharmacy where he serves as pharmacist in charge employs a sufficient number of personnel, including licensed pharmacists, as required to operate the pharmacy competently, safely, legally, and adequately to meet the needs of the patients of the pharmacy.

COUNT IV

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 36.1(4)(b)(4) with failure to ensure that pharmacists working under his supervision provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. On or about August 23, 2000, the Respondent was arrested by the Ottumwa Police Department for operating his vehicle while impaired. Police officers also discovered controlled substances in the Respondent's vehicle.
2. The Respondent admitted to taking controlled substances from the pharmacy where he worked. He admitted that he took these controlled substances for his own use and that he did not have a prescription for these controlled substances. Respondent further admitted to using controlled substances while at work.
3. An audit of the controlled substances at the pharmacy where Respondent works revealed substantial shortages of several controlled substances.
4. During the Board's investigation of the circumstances surrounding the allegations in paragraphs 1 and 2, above, the Respondent admitted that the Drug Town pharmacy where he serves as pharmacist in charge is not adequately staffed to operate the pharmacy competently, safely and legally. Respondent admitted that multiple errors were occurring in the pharmacy as a result of inadequate staffing.
5. During the Board's investigation the Respondent also admitted that the pharmacy

was often not able to satisfy its patient counseling obligations because of inadequate staffing.

INFORMAL SETTLEMENT AGREEMENT

6. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
7. Without making any admission as to the current allegations, the Respondent does not contest the allegations of the current charges and acknowledges that the allegations constitute grounds for the suspension of his license to practice pharmacy in Iowa.
8. Upon the date of the Board's approval of this Combined Statement of Charge and Informal Settlement, Respondent's license to practice pharmacy shall be suspended indefinitely. Respondent agrees to submit to comprehensive physical and psychiatric inpatient treatment, including treatment for substance abuse, to be performed by Professional Recovery Network, 1220 Dewey Avenue, Wauwatosa, Wisconsin. The Respondent shall contact the Board no less than three days prior to the date the above-referenced evaluation is scheduled to begin and advise the Board of the date and time the inpatient treatment is scheduled to begin and of the name of the physician who will be in charge of the treatment. Upon receipt of a written report from the Professional Recovery Network physician which certifies to the Board that problems for which the Respondent was treated or which became apparent during the course of treatment do not impair his ability to safely and competently engage in the practice of pharmacy and that Respondent is ready to return to the practice of pharmacy, the license suspension shall end and the Respondent's license shall be placed on probation for a period of five (5) year(s), 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.

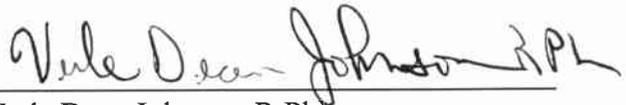
- d. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Combined Statement of Charges and Informal Settlement. 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 aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 8(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. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
- 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 (CE) as directed by the Board.
- j. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

- k. Respondent shall not serve as the pharmacist in charge of a pharmacy.
 - l. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
 - m. 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.
 - 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 Combined Statement of Charges and Informal Settlement 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.
 - 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 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 seven years from the date of the Board's approval of this Combined Statement of Charges and Informal Settlement.
9. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
10. Should Respondent violate or fail to comply with any of the terms or conditions of this Combined Statement of Charges and Informal Settlement, 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 36.1.
11. This Combined Statement of Charges and Informal Settlement is the resolution of a contested case. By entering into this Combined Statement of Charges and Informal Settlement, Respondent waives all rights to a contested case hearing on

the allegations contained in the Statement of Charges, and waives any objections to this Combined Statement of Charges and Informal Settlement.

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 Combined Statement of Charges and Informal Settlement, it shall be the full and final resolution of this matter.
13. This Statement of Charges and Informal Settlement Agreement are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22 and shall become a part of the permanent record of Respondent.
14. The Board's approval of this Combined Statement of Charges and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

15. This Combined Statement of Charges and Informal Settlement is voluntarily submitted by Respondent to the Board for its consideration on the 14th day of September, 2000.



Verle Dean Johnson, R.Ph.
Respondent

Subscribed and sworn to before me by Verle Dean Johnson on this 14th day of
September, 2000.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA



16. This Combined Statement of Charges and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 15 day of Sept., 2000.



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
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY EXAMINERS STATE OF IOWA

**IN THE MATTER OF THE COMBINED STATEMENT OF CHARGES AND
INFORMAL SETTLEMENT AGAINST**

VERLE DEAN JOHNSON, R.Ph., RESPONDENT

2000-15509

TERMINATION ORDER

DATE: January 17, 2006

1. On September 14, 2000, a Combined Statement of Charges and Informal Settlement was issued by the Iowa Board of Pharmacy Examiners suspending indefinitely the license to practice pharmacy, number 15509 issued to Verle Dean Johnson on July 9, 1979. On November 25, 2000, the license was placed on probation for a period of five years under certain terms and conditions.

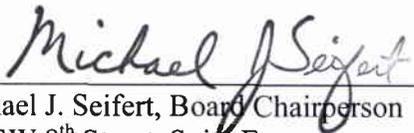
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARAMCY EXAMINERS



Michael J. Seifert, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688