

THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RE: Pharmacist License of : EMERGENCY ORDER
 :
Michael L. Langin (16024) : LICENSE SUSPENSION

Now on this 6th day of May, 1986, the chairman of the Iowa Board of Pharmacy Examiners has reviewed the following evidence:

1. That Michael L. Langin was issued a license to practice pharmacy in Iowa on October 13, 1981, by reciprocity from the State of Illinois.

2. That Michael L. Langin has been employed at St. Luke's Medical Center Pharmacy, 2720 Stone Park Boulevard, Sioux City, Iowa, since November 1, 1981.

3. That Michael L. Langin did adulterate products containing Morphine Sulfate by removing the Morphine Sulfate and substituting non-narcotic substances in its place.

4. That Michael L. Langin allowed these Morphine Sulfate products to be used for administration to patients or for compounding purposes with full knowledge that the products were adulterated.

5. That Michael L. Langin did admit to these actions and to the fact that he was chemically dependent upon Morphine.

6. That Michael L. Langin was admitted to the detoxification unit of St. Luke's Medical Center on April 9, 1986.

7. That Michael L. Langin entered a chemical dependency treatment unit in Sioux Falls, South Dakota, on April 13, 1986.

Based upon the above evidence, the chairman of the Iowa Board of Pharmacy Examiners, acting for the Board, finds that the public health and safety would be jeopardized if Michael L. Langin were to be allowed to continue in the practice of pharmacy until a hearing can be conducted. The chairman finds that the public health and safety therefore makes emergency license suspension imperative and so directs the executive secretary to issue such order.

IT IS HEREBY ORDERED, pursuant to the authority of Iowa Code Section

17A.18(3) that the license of Michael L. Langin to practice pharmacy in Iowa be temporarily suspended until such time as a hearing before the Iowa Board of Pharmacy Examiners can be conducted.

IT IS FURTHER ORDERED that Michael L. Langin appear before the Iowa Board of Pharmacy Examiners on August 13, 1986 at 10:00 a.m. in the second floor conference room, 1209 East Court, Executive Hills West, Des Moines, Iowa. The order for temporary suspension and notice of hearing are issued pursuant to the authority granted the Iowa Board of Pharmacy Examiners under Iowa Code Chapters 17A, 155, 204 and 258A.

You may bring counsel to the hearing and cross-examine any witness and call witnesses of your own. Failure to appear could result in the suspension or revocation of your license. Detailed information in the form of a complaint and statement of charges will be forwarded to you no later than thirty days prior to the hearing date. Information regarding the hearing may be obtained from Thomas D. McGrane, Assistant Attorney General, State Capitol, Des Moines, Iowa.


Norman C. Johnson
Executive Secretary

THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	:	RECISION OF
Michael L. Langin (16024)	:	EMERGENCY ORDER

Now on this 11th day of June 1986, the Emergency Order issued on May 6, 1986, to suspend the license to practice pharmacy of Michael L. Langin is hereby rescinded.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint	:	
	:	COMPLAINT AND
and Statement of Charges Against	:	
	:	
Michael L. Langin, Pharmacist	:	STATEMENT OF CHARGES
Respondent	:	

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners on the 11th day of June, 1986, and files this Complaint and Statement of Charges against Michael L. Langin, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges:

1. That Margo L. Underwood, Chairperson; Rollin C. Bridge, vice chairperson; Jerry M. Hartleip; John F. Rode; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. That Respondent is a resident of Sioux City, Iowa, and was issued license number 16024 to practice pharmacy in Iowa on October 13, 1981.

3. That Respondent has been employed by St. Luke's Regional Medical Center Pharmacy, 2720 Stone Park Boulevard, Sioux City, Iowa, since November 1981.

4. That St. Luke's Regional Medical Center Pharmacy is licensed as a pharmacy by the Iowa Board of Pharmacy Examiners for calendar year 1986. The pharmacy license number is 665.

5. That St. Luke's Medical Center is licensed as a hospital by the Iowa Department of Health. Their state license number is 180.

6. That St. Luke's Medical Center has a current registration under the Iowa Uniform Controlled Substances Act, number 1602771.

7. That St. Luke's Medical Center has a current registration under the Federal Uniform Controlled Substances Act, number AS4038724.

8. That Respondent was admitted as a patient in the Detoxification Unit of St. Luke's Regional Medical Center on April 9, 1986.

9. That Respondent was admitted to River Park Lodge, 4201 S. Minnesota, Sioux Falls, South Dakota, on April 13, 1986, in their Chemical Dependency Inpatient Treatment Program.

10. That statements provided to investigators for the Iowa Board of Pharmacy Examiners by pharmacist and non-pharmacist colleagues indicate that Respondent, (a) had tampered with multiple-dose vials

of Morphine Sulfate Injection and Morphine Sulfate Powder by removing a portion of the contents and substituting a non-active ingredient in its place; (b) had self-administered 2 ml of Morphine Sulfate while on duty in the hospital pharmacy.

11. That Respondent has admitted to being chemically dependent upon opioids and other chemical substances.

12. That Respondent has admitted to taking varying quantities of the drugs Percodan, Tylox, Tylenol with Codeine and Valium from several pharmacies in Sioux City. These drugs were obtained without legal authority and used to satisfy Respondent's drug dependency.

13. That Respondent is guilty of violations of Iowa Code Sections 155.13(3) and (8), 155.20, 155.26 and 155.29(1)"a" by virtue of the allegations in paragraphs 10, 11 and 12.

Section 155.13(3) and (8) read as follows:

"...The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on a licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:...

3. Distributing on the premises of...drugs for any other than lawful purposes.

8. Violations of the provisions of this chapter."

Section 155.20 reads as follows:

"...nor shall any person licensed under this chapter sell or dispense any prescription drug to any person other than a licensed pharmacy or physician without prescription."

Section 155.26 reads as follows:

"...A person found in possession of a drug or medicine limited to dispensation by a prescription, unless the drug or medicine was so lawfully dispensed, is guilty of a serious misdemeanor...."

Section 155.29(1)"a" reads as follows:

"No person shall obtain...a prescription drug...by: (a) fraud, deceit, misrepresentation or subterfuge."

14. That Respondent is guilty of a violation of Rule §620--10.1(4) "d"(2), "h," "j" and "u" by virtue of the allegations in paragraphs 8, 9, 10, 11 and 12.

Rule 10.1(4) reads as follows:

"10.1(4) The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

d. Habitual...addiction to the use of drugs. Habitual...addiction to the use of drugs includes but is not limited to:

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

h. Distribution of intoxicating liquors or drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of the Code.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

u. Violating any of the grounds for revocation or suspension of a license listed in section...155.13 of the Code."

15. That paragraphs 13 and 14 constitute grounds for which Respondent's license to practice pharmacy in the state of Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Michael L. Langin has violated Section 155.13(3); 155.13(8); 155.20; 155.26; and 155.29(1)"a" of the Code of Iowa and Rule §620--10.1(4) "d"(2), "h," "j" and "u" of the Iowa Administrative Code.

IT IS HEREBY ORDERED that Michael L. Langin appear before the Iowa Board of Pharmacy Examiners on August 13, 1986, at 10:00 a.m. in the State Board Conference Room, Second Floor, Executive Hill West, 1209 E. Court, Des Moines, Iowa.

The undersigned further asks that upon final hearing, the Board enter its Findings of Fact and decision to suspend or revoke the license to practice pharmacy issued to Michael L. Langin on the 13th day of October, 1981, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint and :
Statement of Charges Against :
MICHAEL L. LANGIN, : DECISION AND ORDER
Respondent. :

TO: Michael L. Langin:

A Complaint and Statement of Charges was filed by the Executive Secretary of the Iowa Board of Pharmacy Examiners on June 11, 1986, alleging that:

1. Mr. Langin had (a) tampered with multiple-dose vials of Morphine Sulfate Injection and Morphine Sulfate Powder by removing a portion of the contents and substituting a non-active ingredient in its place; (b) had self-administered 2 ml of Morphine Sulfate while on duty in the hospital pharmacy.

2. Mr. Langin was admitted as a patient in the Detoxification Unit of St. Luke's Regional Medical Center on April 9, 1986.

3. Mr. Langin was admitted to River Park Lodge, 4201 S. Minnesota, Sioux Falls, South Dakota, on April 13, 1986, in their Chemical Dependency Inpatient Treatment Program.

4. Mr. Langin has admitted to being chemically dependent upon opioids and other chemical substances.

5. Mr. Langin has admitted to taking varying quantities of the drugs Percodan, Tylox, Tylenol with Codeine and Valium from several pharmacies in Sioux City. These drugs were obtained without legal authority and used to satisfy Respondent's drug dependency.

The Complaint and Statement of Charges alleged violations of Iowa Code Sections 155.13(3) and (8), 155.20, 155.26 and 155.29(1)"a," and Iowa Administrative Code Sections 620--10.1(4)"d"(2), "h," "j" and "u."

A hearing on the above Complaint and Statement of Charges was held on October 14, 1986, at 10:00 a.m. in the State Board Conference Room, Second Floor, Executive Hill West, 1209 E. Court, Des Moines, Iowa 50319. Present were the Board, with the exception of absent Board Member Melba L. Scaglione, and the Board's counsel, Thomas D. McGrane, Assistant Attorney General. The Respondent, Mr. Michael L. Langin, was present and represented by Attorney Thomas Martin. Present also were members of the staff of the Board, Curtis Olthoff, Director of Pharmacy Services for St. Luke's Regional Medical Center, and a court reporter. The undersigned, Administrative Hearing Officer for the State of Iowa, presided. At the request of Mr. Langin, the hearing was open to the public pursuant to Iowa Code 258A.6(1985).

After hearing the testimony and examining the exhibits, the Board convened in closed executive session pursuant to Iowa Code §21.5(1)(f)(1985) to deliberate. The administrative hearing officer was instructed to prepare this Board's Decision and Order.

THE RECORD

The evidentiary record in this case includes the Complaint and Statement of Charges, the recorded testimony of witnesses, and the following exhibits:

Board Exhibit 1	Investigative Report 4-21-86
Langin's Exhibit 1	Six letters addressed to the Board in support of Mr. Langin, two from his drug treatment center and four from co-workers at St. Luke's Regional Medical Center.

FINDINGS OF FACT

1. The Respondent, Michael L. Langin, is a pharmacist licensed under the State of Iowa and issued pharmacist's license number 16024. (Official file; testimony of Mr. Langin.)

2. The Respondent, Michael L. Langin, has been employed by St. Luke's Regional Medical Center Pharmacy, 2720 Stone Park Boulevard, Sioux City, Iowa, since November 1981. St. Luke's Regional Medical Center Pharmacy is licensed as a pharmacy by the Iowa Board of Pharmacy Examiners for calendar year 1986. Their state license number is 180. St. Luke's has a current registration under the Iowa Uniform Controlled Substances Act, number 1602771, and under the Federal Uniform Controlled Substances Act, number AS4038724. (Official file; testimony of Mr. Langin.)

3. After receiving his pharmacy license in 1974, Mr. Langin began active duty in the military. While in the Army, Mr. Langin received specialized training and work experience as an oncology pharmacist. Sometime in the late seventies, Mr. Langin began having low back pain. A diagnosis of Ankylosing Spondylitis was confirmed by a HLA B27 test. Ankylosing Spondylitis is a degenerative spinal disease characterized by the fusing of the discs from the lower vertebra up. Eventually the spine will fuse in either an upright or bent-over position. (Testimony of Mr. Langin.)

4. Mr. Langin tried many different drugs, including Indocin, Motrin and Tolectin, to control the pain he experienced as a result of the disease, but none of them worked. His physician finally prescribed Percodan so that Mr. Langin could sleep. (Testimony of Mr. Langin.)

5. In 1981, Mr. Langin decided he was unwilling to take his family overseas, as his current assignment required. A physician friend, Dr. Jack C. Michalak, told him about an opening for an oncology pharmacist in Sioux City, Iowa. Mr. Langin left the Army and in July 1981, he accepted the oncology pharmacy position at St. Luke's. At that time, Mr. Langin was still taking Percodan for pain, and he brought a couple of extra bottles of Percodan, containing approximately 250 pills, with him to Sioux City. (Testimony of Mr. Langin.)

6. In December 1984, the oncology clinic was discontinued for financial reasons, and Mr. Langin became a staff pharmacist. As a staff pharmacist, he was required to work a ten-hour shift at a more hectic pace. The shift in the oncology clinic had been eight hours. Mr. Langin also began having financial problems and was forced to turn his house back to the bank when the foundation repairs it required exceeded its value. He began moonlighting by working an extra day and night at area pharmacies and teaching continuing education courses for nurses. At this time, Mr. Langin was taking two to three pills a day, primarily Tylox, for pain. (Testimony of Mr. Langin.)

7. In the summer of 1985, Mr. Langin's physician referred him to a rheumatologist at the University of Nebraska for an evaluation. The rheumatologist told Mr. Langin that he could not reverse the damage already done nor prevent the progression of the disease. He encouraged Mr. Langin to maintain an upright position so that his spine would not fuse in a bent-over position. The rheumatologist advised Mr. Langin to cut down on the number of narcotics he was taking and told Dr. Michalak to cut back his prescription. (Testimony of Mr. Langin.)

8. When he no longer felt comfortable asking his physician for narcotic prescriptions, Mr. Langin began removing the 10% overfill contained in multiple-dose morphine vials at the pharmacy. He would take the .3 or .5 cc's of morphine and inject it while he was on duty at the hospital pharmacy. At first, he did this only while at work. Later he began to take 1.5 cc of morphine home so he could inject it there as well. Although he made some feeble attempts to stop his morphine use, he would give in when he began withdrawal symptoms one to two days later. For nine months, Mr. Langin, without a prescription or any authorization, removed 1.5 cc from each multiple-use vial of morphine for his own use. Sometimes the pharmacy would use as many as two or three vials a day. (Testimony of Mr. Langin.)

9. Mr. Langin also took morphine powder from the pharmacy without a prescription or authorization to do so. Morphine powder is used for mixing oral pain medication. Eventually he tried to replace the powder he removed with lactose. Mr. Langin tried to protect the sterilization of the morphine for injection, taking it into the IV hood to remove it. In the last two months of his use, Mr. Langin took two fresh vials of morphine containing 15 cc's, removed 5 cc's of morphine, and replaced it with sterile water. The result was a subpotent morphine which could have been administered to a patient. (Official file, Board Exhibit 1, testimony of Mr. Langin, testimony of Curtis Olthoff.)

10. The two vials of subpotent morphine were discovered and seized by pharmacy staff and were never administered to a patient. After a confrontation with Mr. Langin, he admitted his problem to the staff. Later, he also admitted that he had stolen Percodan, Tylox, Tylenol with Codeine and Valium from the various pharmacies where he had moonlighted. (Official file, Board Exhibit 1, testimony of Mr. Langin, testimony of Curtis Olthoff.)

11. Mr. Langin was admitted as a patient in the Detoxification Unit of St. Luke's on April 9, 1986. On April 13, 1986, he was admitted into the Chemical Dependency Inpatient Treatment Program at River Park Lodge, 4201 S. Minnesota, Sioux Falls, South Dakota. While there he suffered withdrawal symptoms of stomach cramps, headache and nausea for seven days. He remained in residential treatment for 30 days, and then began an aftercare program. His aftercare includes meetings of Alcoholic Anonymous and Narcotics Anonymous on a weekly basis, and he sees a counselor every other week. His aftercare is scheduled to continue until April, 1987. (Official file; testimony of Mr. Langin.)

12. Since May 1986, Mr. Langin has been employed at St. Luke's Medical Center by the mental health department. He has been developing a computer data base which will be finished in approximately two months. While he is in this position, he can go into the pharmacy but has no access to drugs. Mr. Langin feels that he is rehabilitated and ready to handle access to drugs. (Testimony of Mr. Langin, testimony of Curtis Olthoff.)

13. St. Luke's Regional Medical Center staff are very supportive of Mr. Langin. They are committed to maintaining his employment and returning him to his position as a pharmacist when his license is restored to him. The social worker feels that Mr. Langin has recognized his problem and will not make the mistake again. Mr. Langin is also supported by his wife and three children. The strong support of the hospital staff, his counselor, and his family will greatly facilitate Mr. Langin's further rehabilitation. (Testimony of Mr. Langin, testimony of Curtis Olthoff, Langin's Exhibit 1.)

14. Mr. Langin will not use narcotic analgesics again as a pain reliever. If the pain from his disease becomes more severe, he plans to use nerve blocks, which last six weeks, and to get biofeedback training at the Mayo Pain Clinic on an outpatient basis. Nerve blocks are extremely effective in controlling pain in cases such as Mr. Langin's. This testimony shows that Mr. Langin has adequate alternatives to narcotics to control pain from his Ankylosing Spondylitis. (Testimony of Mr. Langin.)

CONCLUSIONS OF LAW, DECISION, AND ORDER

Substantial evidence was presented to support paragraphs one through fifteen of the Complaint and Statement of Charges, and to show violations of Iowa Code Sections 155.13(3) and (8), 155.20, 155.26, and 155.29(1)"a," and Iowa Administrative Code Sections 620--10.1(4)"d"(2), "h," "j" and "u." Mr. Langin is therefore found to have violated the above Code sections and rules.

It is therefore the ORDER of the Iowa Board of Pharmacy Examiners that the license to practice pharmacy issued to Michael L. Langin, license number 16024, is hereby suspended for one year, effective retroactive to April 9, 1986, and it is further ORDERED that Mr. Langin is placed on probation for a period of five years, following the completion of the above suspension, upon the following terms and conditions:

- a. During the first six months of the five-year probationary period, another pharmacist must be on duty with Mr. Langin at all times.
- b. During the first six months of the five-year probationary period, a perpetual inventory of all Schedule II drugs is to be maintained by St. Luke's Regional Medical Center, or any other employer of Mr. Langin, and monthly reports shall be sent to the Iowa Board of Pharmacy Examiners.
- c. Mr. Langin shall continue his aftercare for not less than two years, retroactive to April 9, 1986.
- d. Mr. Langin shall immediately submit to biological fluid testing, at his own cost, upon request of the Board or at least monthly, for the first two years of his probation, and then quarterly for the duration of his probation.
- e. Mr. Langin shall submit monthly progress reports to the Board. These reports shall include the status of his aftercare, employment, residency, and any other pertinent information he sees fit to provide.
- f. The Board shall be provided with a quarterly report from Mr. Langin's counselor during the period of his aftercare.
- g. Mr. Langin shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
- h. Mr. Langin shall submit to peer review as deemed necessary by the Board.
- i. Mr. Langin shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.
- j. Mr. Langin shall notify all present and prospective employers of the decision in this case and the terms, conditions, and restrictions imposed on respondent by said decision.

Within 30 days of receipt of this decision, and within 15 days of Mr. Langin undertaking new employment, Mr. Langin shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in this case.

- k. Mr. Langin shall not supervise any registered intern and shall not perform any of the duties of a preceptor.
- l. Should Mr. Langin leave Iowa to reside or practice outside this state, he must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to the reduction of the probationary period.
- m. Should Mr. Langin violate probation in any respect, the Board, after giving respondent notice and an opportunity to be heard,

may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Mr. Langin during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

n. Upon successful completion of probation, respondent's license will be fully restored.

It is the further ORDER of the Board that Mr. Langin surrender license number 16024 to the Board at the beginning of the suspension.

This Decision and Order was prepared by me at the direction of the Iowa Board of Pharmacy Examiners on the 29th day of October, 1986.

Margaret LaMarche

Margaret LaMarche
Administrative Hearing Officer
6012 N. Waterbury Road
Des Moines, IA 50312

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	:	EMERGENCY ORDER
MICHAEL L. LANGIN	:	AND
License No. 16024	:	COMPLAINT AND
Respondent	:	STATEMENT OF CHARGES

Now on this 11th day of January 1989, the Iowa Board of Pharmacy Examiners has reviewed the following evidence:

1. Respondent was issued a license to practice pharmacy in Iowa on October 13, 1981, by reciprocity.

2. Respondent was employed as a pharmacist at St. Luke's Regional Medical Center located at 2720 Stone Park Boulevard in Sioux City, Iowa.

3. In a complaint and statement of charges filed against Respondent on June 11, 1986, Respondent admitted that (1) he was chemically dependent upon opioids and other chemical substances, and (2) he illegally diverted to his own personal use varying quantities of the following controlled substances from several pharmacies in Sioux City: Percodan, Tylox, Tylenol with Codeine, and Valium.

4. Respondent's license to practice pharmacy in Iowa was suspended for one year, from April 9, 1986, to April 8, 1987, pursuant to a decision and order of the board prepared on October 29, 1986. Respondent was also placed on probation for a period of five years, beginning April 9, 1987, and ending April 8, 1992. In its decision and order, the board found that substantial evidence existed to support allegations that Respondent: (1) had illegally diverted Percodan, Tylox, Tylenol with Codeine, and Valium from various pharmacies in Sioux City to his own personal use; (2) had illegally diverted injectable morphine and morphine powder from the St. Luke's Regional Medical Center Pharmacy to his own personal use; (3) had self-administered morphine injection without prescriber authorization or supervision while on duty at St. Luke's Regional Medical Center; (4) had tampered with and had adulterated two 15ml vials of morphine sulfate injection by removing 5ml of morphine from each vial and replacing it with sterile water, resulting in subpotent morphine concentrations which could have been administered to a patient; and (5) had tampered with and had adulterated a vial of morphine sulfate powder by removing part of the contents of the vial and replacing it with lactose, an inactive ingredient.

5. An investigative report filed with the board on December 22, 1988, by Board Investigators Morrell A. Spencer and James P. Theis revealed the following facts:

a. On or sometime after April 9, 1987, Respondent resumed employment as a staff pharmacist at St. Luke's Regional Medical Center in Sioux City, Iowa.

b. On or sometime after October 23, 1987, Respondent also began working as a part-time pharmacist at Soo Thrifty Drug, 2627 Pierce Street, in Sioux City, Iowa.

c. On November 22, 1988, Curtis J. Olthoff, the pharmacist in charge of St. Luke's Regional Medical Center Pharmacy, notified the board that Respondent had admitted to Olthoff on November 21, 1988, that he had illegally diverted various controlled substances from St. Luke's Regional Medical Center Pharmacy to his own personal use. Olthoff further stated that Respondent's employment as a pharmacist at St. Luke's Regional Medical Center had been terminated on November 21, 1988.

d. On or about November 22, 1988, Respondent voluntarily admitted himself to the Addiction Center at St. Luke's Regional Medical Center in Sioux City for the treatment of drug dependence. Respondent completed the Inpatient Treatment Program on or before December 21, 1988.

e. On December 12, 1988, Respondent admitted to Investigators Morrell A. Spencer and James P. Theis that he had diverted various controlled substances from St. Luke's Regional Medical Center Pharmacy and from Soo Thrifty Drug to his own personal use without prescriber authorization beginning on or about October 15, 1988, and continuing until November 21, 1988. Respondent stated that Morphine Sulfate Injection was his drug of choice, but that he also consumed Tylenol with Codeine/Acetaminophen with Codeine tablets and Percodan/Oxycodone with Aspirin tablets. Respondent also stated that he attributed his relapse to a breakdown of his marriage, lack of support from co-workers at St. Luke's Regional Medical Center Pharmacy, and financial problems.

f. On December 13, 1988, Board Investigators Morrell A. Spencer and James P. Theis performed an audit of selected controlled substances at St. Luke's Regional Medical Center for the time period beginning June 21, 1988, and ending December 13, 1988. That audit produced evidence of the following:

- i. a shortage of 91 tablets of Tylenol with Codeine No. 4 (schedule III)
- ii. a shortage of 120 tablets of Aspirin with Codeine No. 4 (schedule III)
- iii. a shortage of 8ml of Morphine Sulfate Injection 15mg/ml (schedule II)
- iv. a shortage of 22ml of Meperidine HCl Injection 100mg/ml (schedule II)
- v. a shortage of 21ml of Roxanol (Morphine) Oral Solution 10mg/5ml (schedule II)

g. On December 14, 1988, Board Investigators Morrell A. Spencer and James P. Theis performed an audit of selected controlled substances at Soo Thrifty Drug, 2627 Pierce Street, in Sioux City, Iowa, for the time period beginning May 2, 1987, and ending December 13, 1988. That audit produced evidence of the following:

- i. a shortage of 24 tablets of Percodan (schedule II)
- ii. a shortage of 20 tablets of Oxycodone with Aspriin (schedule II)
- iii. a shortage of 271 tablets of Tylenol with Codeine No. 3 (schedule III)
- iv. a shortage of 50 tablets of Tylenol with Codeine No. 4 (schedule III)
- v. a shortage of 55 tablets of Acetaminophen with Codeine No. 4 (schedule III)

6. Respondent currently resides at 4038 Teton Trace in Sioux City, Iowa 51104.

7. Respondent's license to practice pharmacy in Iowa is current until June 30, 1989.

8. The information in paragraph 5, together with other confidential information in the possession of the Board, indicates that Respondent would pose a threat to the public health and safety if he were allowed to continue to practice pharmacy in Iowa.

Based upon the above evidence, the Iowa Board of Pharmacy Examiners finds that the public health, safety, and welfare would be jeopardized if Michael L. Langin were to be allowed to continue in the practice of pharmacy until a hearing can be conducted. Therefore, the Board finds that the public health, safety, and welfare makes emergency summary license suspension imperative, and so directs the Executive Secretary to issue such order.

IT IS HEREBY ORDERED, pursuant to the authority of Iowa Code section 17A.18(3), that the license of Michael L. Langin to practice pharmacy in Iowa be temporarily suspended until such time as a hearing before the Board of Pharmacy Examiners can be conducted.

With this notice, the Board has also directed the Executive Secretary of the Iowa Board of Pharmacy Examiners to file a Complaint and Statement of Charges against Respondent, who is a pharmacist licensed pursuant to Iowa Code Chapter 155A. In filing said Complaint and Statement of Charges, the secretary alleges that:

9. Rollin C. Bridge, Chairperson; Melba L. Scaglione, Vice Chairperson; Donna J. Flower; Marian L. Roberts; John F. Rode; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Board of Pharmacy Examiners.

10. Respondent is guilty of violations of 1987 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 204.308(3), 204.401(1)(a), 204.401(1)(b), 204.402(1)(a), and 204.403(1)(c) by virtue of the allegations in paragraph 5, subsections (c), (e), (f), and (g).

Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.
- ...
5. Violated any provision of the controlled substances Act or rules relating to that Act.

Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:
 - a. Fraud, deceit, misrepresentation, or subterfuge....

Iowa Code section 204.308(3) provides, in part, the following:

...[A] controlled substance included in schedule III or IV, which is a prescription drug...shall not be dispensed without a written or oral prescription of a practitioner.

Iowa Code section 204.401(1) provides, in part, the following:

Except as authorized by this chapter, it is unlawful for any person to...deliver...a controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to...deliver...a controlled substance.

Any person who violates this subsection with respect to:

- a. A substance classified in schedule I or II which is a narcotic drug, is guilty of a class "C" felony.
- b. Any other controlled substance classified in schedules I, II, or III, is guilty of a class "D" felony.

Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

- a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

Iowa Code section 204.403(1) provides, in part, the following:

It is unlawful for any person knowingly or intentionally:

...

c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;...

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(d)(2), 9.1(4)(j), 9.1(4)(u) by virtue of the allegations in paragraph 5, subsections (c), (e), (f), and (g).

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2)...when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:...

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

...

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

...

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, and 1987 Iowa Code supplement sections 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1987 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 204.308(3), 204.401(1)(a), 204.401(1)(b), 204.402(1)(a), and 204.403(1)(c), and 657 Iowa Administrative Code sections 9.1(4)(d)(2), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED that Michael L. Langin appear before the Iowa Board of Pharmacy Examiners on February 21, 1989, at 10:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Michael L. Langin on October 13, 1981, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. The failure of Respondent to appear could result in the permanent suspension or revocation of his license. Information regarding the hearing may be obtained from Thomas D. McGrane, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of	:	
MICHAEL L. LANGIN	:	STIPULATION
Pharmacist	:	
License No. 16024	:	

WHEREAS, Michael L. Langin, hereinafter referred to as the Licensee, has had certain allegations made against him by the Board of Pharmacy Examiners, hereinafter referred to as the Board, concerning his professional conduct as a pharmacist, and

WHEREAS, the Licensee admits to the allegations made against him, and

WHEREAS, both the Licensee and the Board desire to arrive at a mutually agreeable informal settlement of this matter,

IT IS MUTUALLY AGREED AND STIPULATED as follows between the Licensee and the Board:

1. That the Board, by and through its member, Melba L. Scaglione, and the Licensee have entered into settlement discussions and have agreed upon a disposition of this matter.

2. That the Licensee desires to avoid the uncertainty and the expense of a trial and desires to consent to the disciplinary action to be taken by the Board as specified in paragraph 4, infra.

3. It is the purpose and intent of the parties hereto to waive all the provisions of Chapter 17A of the 1989 Code of Iowa as they relate to notice and hearing on the matter of revocation or suspension of Licensee's license to be a pharmacist, and to acknowledge that each are fully aware of their rights and procedures afforded them through Chapter 17A of the 1989 Code of Iowa and the rules of the Board of Pharmacy Examiners promulgated in accordance and pursuant thereto, particularly Section 17A.12 as it relates to contested cases and provides notice of hearing and records, and Section 17A.18 as it relates to the requirements concerning notice of the suspension and revocation of licenses.

4. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide for the following:

a. License number 16024, issued to Licensee, is suspended for a period of one year. The suspension is stayed under the following terms and conditions.

1. Licensee shall not work as a pharmacist in any pharmacy except Soo Thrifty Drug, 2627 Pierce Street, or D/R Pharmacy Services, Inc., 2618 Pierce Street, Sioux City, Iowa, without express approval from the Board.
2. If employment at either Soo Thrifty Drug or D/R Pharmacy Services, Inc. is terminated for any reason, Licensee shall notify the Board office immediately.
 - b. Licensee shall submit to random body fluid testing when so ordered by the Board office during the period of the stayed suspension and for such time thereafter as the Board deems necessary.
 - c. During the period of stayed suspension, if body fluid tests show positive for any drugs not obtained pursuant to a legitimate prescription drug order, Licensee's license to practice pharmacy shall be revoked.
 - d. Licensee shall be placed on probation for a period of five years starting on the date the stayed suspension ends.
 - e. A positive body fluid test during the period of probation for any drugs not obtained pursuant to a legitimate prescription drug order shall cause the Board to revoke probation and convene an Administrative Hearing to show cause why Licensee's license to practice pharmacy should not be revoked.
 - f. Licensee shall not work in a hospital pharmacy during the period of stayed suspension and probation.
 - g. Licensee shall comply with the Board's continuing education requirements during the period of stayed suspension and probation.
 - h. Licensee shall actively participate in an aftercare program of his choosing.
 - i. Licensee shall file quarterly progress reports with the Board office during the period of stayed suspension and probation. Such reports shall commence no later than 90 days from the date of his signing of the attached Order. Progress reports shall document his aftercare activity and progress and place of employment.
 - j. Licensee shall not supervise any registered intern and shall not perform any of the duties of a preceptor during his period of stayed suspension and probation.
 - k. Should Licensee leave Iowa to reside or practice outside this state, he must notify the Board in writing of the

dates of departure and return. Periods of residency or practice outside Iowa shall not apply to a reduction of the probationary period.

l. Licensee shall obey all state and federal laws and regulations substantially related to the practice of pharmacy.

m. Upon successful completion of probation, Licensee's certificate will be fully restored.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.

X Michael L. Langin
Michael L. Langin, Licensee

Rollin C. Bridge
Rollin C. Bridge
Iowa Board of Pharmacy Examiners

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of :
MICHAEL L. LANGIN : ORDER AND CONSENT TO ORDER
Pharmacist :
License No. 16024 :

The Iowa Board of Pharmacy Examiners, having been advised of the allegations that Michael L. Langin has conducted himself in a manner which could cause his license to practice pharmacy to be suspended, and the Board of Pharmacy Examiners, through a Board Member and said Michael L. Langin, having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in the Iowa Administrative Procedures Act appearing at Chapter 17A, particularly Section 17A.12 and Section 17A.18, Code of Iowa 1989, in regards to Notice and Hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of Michael L. Langin to practice pharmacy in Iowa will be suspended according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to the consent of Michael L. Langin to be contained herein to this Order, that the license of Michael L. Langin to practice pharmacy in Iowa be suspended according to the conditions attached hereto.

Date

3/6/89

Rollin C. Bridge
Rollin C. Bridge, Chairperson
Iowa Board of Pharmacy Examiners

CONSENT TO ORDER

I, Michael L. Langin, hereby consent to the Order set forth above, waive my right to a hearing in this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record, and judicial review.

Date

3-15-89

Michael L. Langin x
Michael L. Langin, Licensee

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

Re:)
Pharmacist License of)
MICHAEL L. LANGIN) **STATEMENT OF CHARGES**
License No. 16024)
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 (1999).
3. On October 13, 1981, the Board issued Respondent, Michael L. Langin, a license to engage in the practice of pharmacy by license transfer as evidenced by license number 16024, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16024 is current and active until June 30, 2001.
5. Respondent's current address is 3716 Summit Street, Sioux City, Iowa 51104.
6. Respondent is currently employed as the pharmacist in charge at the Hy Vee Pharmacy, #2, 4500 Sergeant Road, Sioux City, Iowa 51106, and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.15(2)(c), 155A.15(2)(d), and 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2, 6.8, 36.1(4)(u) with failing to provide accountability for certain controlled substances.

COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa

Administrative Code §§ 6.2, 6.6 & 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.

THE CIRCUMSTANCES

1. Respondent is the Pharmacist in Charge at the Hy Vee Pharmacy, #2, 4500 Sergeant Road, Sioux City, Iowa 51106.
2. On or about December 15, 1998, a board investigator received information from Division of Narcotics Enforcement Special Agent Roger Timko about alleged thefts of controlled substances from Respondent's pharmacy.
3. Upon investigation, an accountability audit of Schedule III, IV, and V controlled substances at the Respondent's pharmacy revealed multiple shortages of Schedule III, IV, and V controlled drugs.
4. The investigation revealed that a theft of controlled substances did occur at Respondent's pharmacy. A pharmacy technician employed by the Respondent Pharmacy admitted to the board investigator during the course of his investigation that she had taken Phenteramine and Alprazolam from the Respondent's pharmacy.

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 16th day of July, 1999, 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
1209 East Court Avenue
Des Moines, Iowa 50319

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

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

Re:)	
Pharmacist License of)	
MICHAEL L. LANGIN)	STIPULATION
License No. 16024)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Michael L. Langin, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), 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 July 16, 1999, 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 31st day of October, 1981, by examination as evidenced by Pharmacist License Number 16024, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16024, issued to and held by Respondent is active and current until June 30, 2001.
3. Respondent is currently employed as the pharmacist in charge at the Hy Vee

Pharmacy, #2, 4500 Sergeant Road, Sioux City, Iowa 51106, and has been employed as such during all times relevant to this statement of charges.

4. A Statement of Charges was filed against Respondent on July 16, 1999.
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 agrees to accept a citation and warning for the alleged violation set forth in the Statement of Charges.
8. Within six (6) months 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 in maintaining security of controlled substances. 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.
9. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his *typewritten* policies and procedures for maintaining security of controlled substances. The typewritten policies and procedures shall relate to Respondent's practice of pharmacy in his current work setting as the pharmacist in charge. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these

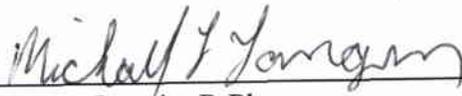
policies and procedures whenever engaging in the practice of pharmacy. In the event the Respondent becomes the pharmacist in charge at another pharmacy, the Respondent agrees to implement similar policies and procedures for maintaining security of controlled substances. Respondent further acknowledges and understands that maintaining security of controlled substances in the pharmacy is the responsibility of the pharmacist in charge.

10. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code § 272C.3(2)(a).
11. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
12. 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 36.1.
13. 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.
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 21st day of Sept, 1999.



Michael L. Langin, R.Ph.
Respondent

Subscribed and sworn to before me by Michael L. Langin on this 21st day of September, 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 13 day of Oct., 1999.



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 IOWA BOARD OF PHARMACY

Re:)	
Pharmacist License of)	Case No. 2009-76
MICHAEL L. LANGIN)	
License No. 16024,)	STATEMENT OF CHARGES
Respondent)	

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

1. He is the Executive Director for 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 155A and 272C (2009).
3. On October 13, 1981 the Board issued Michael L. Langin (hereinafter, "Respondent"), by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 16024, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license was renewed on May 28, 2009 and is current and active through June 30, 2011.
5. Respondent's address of record is 618 S. Arch Street, Wyanet, Illinois 61379.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist in Illinois.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2009) 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 – VIOLATING LAWS OF ANOTHER JURISDICTION

Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2009), and 657 Iowa Administrative Code § 36.1(4)(ad), with violating the drug laws or rules of Illinois while under Illinois' jurisdiction.

COUNT III – INABILITY TO PRACTICE PHARMACY DUE TO CHEMICAL ABUSE

Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of Iowa Code § 155A.12(1) (2009) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

COUNT IV – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION

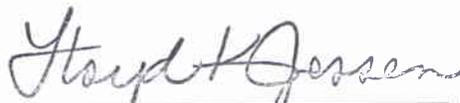
Respondent is charged under Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of a licensing authority in another state within thirty days of that decision.

B. CIRCUMSTANCES

An investigation commenced on July 7, 2009 which revealed the following:

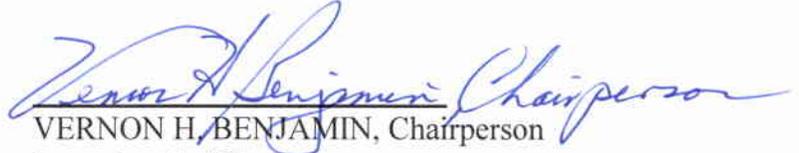
1. Respondent was practicing pharmacy in Illinois pursuant to a June 30, 2005 Consent Order issued by the Illinois Department of Financial and Professional Regulation. The Consent Order resulted from Respondent's diversion of controlled substances to his own use.
2. In the Consent Order, Respondent agreed to submit to periodic drug screening. One such drug screen revealed that Respondent had ingested hydrocodone without a prescription for that medication.
3. The June 30, 2005 Consent Order further provided that if Respondent tested positive for alcohol, a mood altering drug or a psychoactive drug (without a prescription for the medication), he would be automatically suspended for a minimum of 6 months.
4. On July 30, 2009 the Illinois Department of Financial and Professional Regulation suspended Respondent's Illinois pharmacist license for not less than six months.
5. Respondent did not report the July 30, 2009 Illinois discipline to this Board.

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 Director

On this 18th day of November 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

A handwritten signature in blue ink that reads "Vernon H. Benjamin Chairperson". The signature is written in a cursive style and is positioned above the printed name.

VERNON H. BENJAMIN, Chairperson

Iowa Board of Pharmacy

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

Langin-SOC 10-09.doc

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2009-76
Pharmacist License of)	
MICHAEL L. LANGIN)	STIPULATION
License No. 16024)	AND
Respondent)	CONSENT ORDER

RECEIVED
 MAY 26 2010
 IOWA BOARD OF PHARMACY

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, “Board”) and Michael L. Langin (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations contained in a Statement of Charges 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 October 13, 1981, by reciprocity, as evidenced by Pharmacist License Number 16024, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is current and active through June 30, 2011.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in Illinois.
4. A Statement of Charges was filed against Respondent by the Board on November 18, 2009.
5. The Board has jurisdiction over the Respondent and jurisdiction over the subject matter of these proceedings.

6. Respondent has chosen not to 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 license shall be suspended indefinitely. Suspension of Respondent's license may be terminated only at such time as Respondent:

a. Obtains a complete physical and mental health evaluation – including a substance abuse evaluation – from a physician/treatment provider approved in advance by the Board.

b. Delivers to the Board a written, fully documented and current physical and mental health evaluation – including a substance abuse evaluation – of Respondent which concludes that Respondent is mentally and physically fit to practice pharmacy. Any conclusion that the Respondent is fit to return to *the practice of pharmacy* will include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting.

c. Permits the Board complete access to Respondent's medical records, including records of substance abuse evaluation and treatment.

8. At such time as Respondent is able to deliver to the Board a written, fully documented and current physical and mental health evaluation, including a substance abuse evaluation, which concludes that Respondent is mentally and physically fit *to practice pharmacy*, Respondent may petition the Board for (a) termination of the suspension of Respondent's license and (b) commencement of a period of probation.

9. In the event the Board determines that Respondent's license suspension should be terminated, Respondent's license to practice pharmacy shall be placed on probation on terms which shall include, but not be limited to, the following:

a. Respondent agrees to comply with the terms of probation.

b. The period of probation shall be indefinite, in light of Respondent's prior discipline with the Board. Following successful completion of five (5) years of probation, Respondent may approach the Board for termination of probation. Only those time periods during which Respondent is employed as a pharmacist shall be considered applicable toward exhaustion of the initial five year probationary term.

c. During probation, 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.

d. During probation, Respondent shall report to the Board quarterly, in writing. The 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.

e. 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.

- f. 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.
- g. Respondent shall not serve as a pharmacist in charge, supervise registered pharmacist-interns or perform any of the duties of a pharmacy preceptor.
- h. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
- i. Respondent shall not possess or 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 medical history, including any history of chemical dependency.
- j. Respondent shall provide witnessed blood, hair or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this Stipulation and Consent Order and any drug therapy ordered by Respondent's physician or treatment provider. All costs related to the analysis of such specimens shall be paid by Respondent.

k. To facilitate performance of the preceding paragraph, Respondent shall report to and provide a specimen to any healthcare provider specified by the Board – said healthcare provider to be located in reasonable proximity to Respondent – within 24 hours after notice from the Board requesting that Respondent provide a specimen. Respondent agrees to cooperate with the Board in establishing a specimen testing program through FirstLab, and hereby consents to disclosure to the Board, by FirstLab or any other testing facility, of all medical information, including test results, generated by Respondent's contact with the facility.

l. During the time that Respondent is participating in program where he regularly provides urine, hair or blood samples to the State of Illinois or the Illinois Professionals Health Program, Respondent need not participate in a duplicate drug and alcohol screening program in Iowa. It shall be Respondent's duty to provide proof to the Board of his participation in an Illinois drug and alcohol screening program.

m. Respondent shall provide, upon request of an agent of the Board, copies of or access to all his medical records.

n. If, as a result of the physical and mental health examinations of Respondent, Respondent's physician/treatment provider recommends a substance abuse treatment program, Respondent shall comply with such recommendations. In the event Respondent is participating in a substance abuse treatment program, Respondent's physician/treatment provider shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.

o. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

p. Such other reasonable terms as the Board may wish to impose as a result of (i) findings that Respondent is chemically dependant, (ii) the length of time Respondent's license is suspended pursuant to paragraph 7 above or (iii) the amount or nature of chemical dependency treatment Respondent must participate in as directed by his physician/treatment provider.

10. Should Respondent violate or fail to comply with any of the terms and 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 (2009) and 657 IAC 36.

11. 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.

12. The State's legal counsel may present this Stipulation and Consent Order to the Board.

13. This Stipulation and Consent Order 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.

14. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 21 day of May 2010.

Michael L. Langin R.Ph.
MICHAEL L. LANGIN, R.Ph.
Respondent

Subscribed and sworn to before me by Michael L. Langin on this 21 day of May 2010.



Heidi N. Jamison
NOTARY PUBLIC IN AND FOR
THE STATE OF ~~IOWA~~ ILLINOIS

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 1st day of June 2010.

Vernon H. Benjamin
VERNON H. BENJAMIN, Chairperson
Iowa Board of Pharmacy
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

Michael Langin
211-6 Walnut Grove Drive
Walnut, Illinois 61376