

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

Re:)	Case No. 2002-16311
Pharmacist License of)	
GEORGE MICHAEL LERNER)	STATEMENT OF CHARGES
License No. 16311)	
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 (2001).
3. On August 1, 1983, the Board issued Respondent, George Michael Lerner, a license to engage in the practice of pharmacy by examination as evidenced by license number 16311, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16311 is current and active until June 30, 2003.
5. Respondent's current address is 3201 North 216, Elkhorn, Nebraska 68022.
6. Upon information and belief, Respondent is not currently practicing pharmacy.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(8) (2001), with violating the pharmacy or drug laws of another state while under that state's jurisdiction, and 657 Iowa Administrative Code § 36.1(4)(j), with violating a statute or law of this state, another state, or the United States which relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or non-prescription drugs.

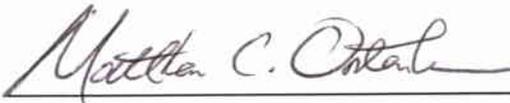
THE CIRCUMSTANCES

1. On or about March 20, 2002, the Board received information that the State of Nebraska had taken disciplinary action against Respondent's Nebraska pharmacist license.
2. On or about February 14, 2002, the Respondent entered into an Agreed Settlement with the State of Nebraska that was accepted by the Department of Health and Human Services, Regulation and Licensure Division of the State of Nebraska on March 4, 2002. A copy of the Order on the Agreed Settlement is attached hereto as Exhibit 1 and incorporated herein by reference.
3. In the Agreed Settlement the Respondent admitted to conduct that is also a violation of the laws and rules of the State of Alaska relating to the practice of pharmacy and the dispensing of prescription drugs. The conduct the Respondent admitted to would also be a violation in Iowa.
4. The Order on Agreed Settlement placed the Respondent's license to practice pharmacy in the State of Nebraska on probation for a period of four (4) years subject to multiple restrictions.

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 24th day of April, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


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
OF THE STATE OF IOWA**

Re:)	Case No. 2002-16311
Pharmacist License of)	
GEORGE MICHAEL LERNER)	STIPULATION
License No. 16311)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and George Michael Lerner, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), 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 the Respondent on April 24, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on August 1, 1983, by examination as evidenced by Pharmacist License Number 16311, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16311, issued to and held by the Respondent is active and current until June 30, 2003.

3. The Respondent is currently employed as a pharmacist with Walgreen Company and practices primarily in the State of Nebraska.
4. A Statement of Charges was filed against the Respondent on April 24, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. The Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds to discipline his license to practice pharmacy in Iowa.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of four (4) 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. Provided however, that as long as the Applicant is providing random urine drug screens to the Nebraska Board of Pharmacy pursuant to his probation in Nebraska and to Walgreen Company pursuant to his "Last Chance" employment agreement with that company, he may request the Nebraska Board of Pharmacy and Walgreen Company to provide copies of the results of his drug screens through those programs to the Board instead of providing separate samples to the Board.

- d. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. Whenever the Respondent is receiving treatment, the treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- e. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall also address the Respondent's compliance with the Order on Agreed Settlement that he entered into with the State of Nebraska. 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 7(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 during any times that he is living and working in the State of Iowa.
- 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 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.
- 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 five

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

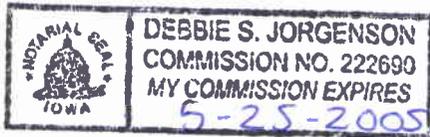
p. Respondent shall comply with the Order on Agreed Settlement that he entered into with the State of Nebraska.

8. Should the 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.
9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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.
10. 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.
11. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

12. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 22nd day of August, 2002.


George Michael Lerner, R.Ph.
Respondent

Subscribed and sworn to before me by George Michael Lerner on this 22nd day of August, 2002.



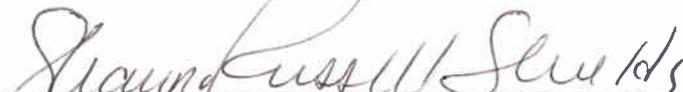

NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

13. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of Oct., 2002.


KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

APPROVED AS TO FORM


Paula Lindsey Wilson – Attorney for Respondent


Shauna Russell Shields – Attorney for State

cc: Paulz Lindsey Wilson
11620 Arbor Street
Suite 203
Omaha, Nebraska 68144

Attorney for Respondent

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

Attorney for State