

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

**In the Matter of the
Pharmacy Technician
Registration of
John J. Lynch**

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**STIPULATION
FOR ENTRY OF
CONSENT ORDER**

THE IOWA BOARD OF PHARMACY EXAMINERS (BOARD) AND JOHN J. LYNCH (LYNCH) STIPULATE TO THE FOLLOWING:

1. That Lynch is not currently licensed as a Licentiate in Pharmacy by any State Board of Pharmacy; and
2. That Lynch has applied to the Board for a Certificate of Registration as a Pharmacy Technician by submission of an application for registration; and
3. That on November 18, 1980, Lynch's Iowa pharmacist license was revoked by the Board. Lynch has admitted to having a history of drug and alcohol dependence. Lynch states that he has been sober since April 1996.
4. That upon issuance of a Certificate of Registration by the Board, Lynch consents to having his pharmacy technician registration in Iowa placed on indefinite probation; and
5. That during the probationary period, Lynch will satisfy the following conditions:
 - a. Lynch shall not consume alcohol.

b. Lynch 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 Lynch by a licensed, treating physician or other qualified treating health care provider. Lynch shall inform any treating physician or other treating health care provider of his history of chemical dependency.

c. Lynch 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, all costs of which shall be paid by Lynch.

d. Lynch shall comply with the aftercare recommendations of his physician or counselor.

e. Lynch shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of Lynch's probation. The quarterly reports shall include Lynch's place of employment, current address, and any further information deemed necessary by the Board from time to time.

f. Lynch shall attend at least one (1) aftercare meeting weekly and/or one (1) Alcoholics Anonymous (AA) meeting weekly. Lynch's participation in other group sessions or meetings shall be pre-approved by the Board. Lynch shall append to each quarterly report referred to in subparagraph 5-e above, statements signed or initialed by another person in attendance at the meetings attesting to Lynch's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

g. Lynch shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all criminal laws.

h. Lynch shall only work under the direct and immediate supervision of a licensed pharmacist. Lynch shall not work alone in any pharmacy at any time.

i. Lynch shall actively participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacy technician advocate or a pharmacist advocate.

j. Lynch shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Lynch by this document. Within thirty (30) days after approval of this Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Lynch shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

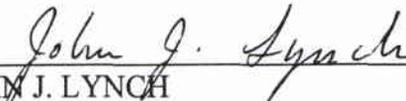
6. In the event Lynch leaves Iowa to reside or to practice outside the state, Lynch shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Consent Order. However, evidence that Lynch has failed to abide by the terms of subparagraphs 5-a or 5-b of this Consent Order while outside the state shall constitute a violation of this Consent Order.

7. Should Lynch violate or fail to comply with any of the terms of conditions of this Consent Order, the Board may initiate action to revoke or suspend Lynch's Iowa pharmacy technician registration or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657 IAC 22.18.

8. This Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Consent Order, it shall be of no force or effect to either party.

9. The Board's approval of this Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

10. This Stipulation for Entry of Consent Order is voluntarily submitted by Lynch to the Board for its consideration on the 23rd day of December, 1997.



JOHN J. LYNCH

Subscribed and Sworn to before me on this 23rd day of December, 1997.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

11. This Stipulation for Entry of Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 3rd day of February, 1997.



PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

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

Re:)	
Pharmacy Technician)	
Registration of)	
JOHN J. LYNCH)	STATEMENT OF CHARGES
Registration No. 2775)	
Respondent)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1997).
3. On February 12, 1998, John J. Lynch, the Respondent, was issued pharmacy technician registration number 2775 by the Board, subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 2775 is current and active until February 28, 1999.
5. Respondent currently resides at the Iowa Veterans Home, 1301 Summit Street, Marshalltown, Iowa 50158.
6. Respondent is currently not employed as a pharmacy technician.
7. Respondent's pharmacy technician registration was placed on probation by the Board on February 12, 1998. In a Stipulation For Entry of Consent Order dated February 3, 1998, Respondent's registration was placed on indefinite probation with conditions upon issuance of the registration.

COUNT I

The Respondent is charged with failing to comply with a decision of the Board imposing licensee discipline, in violation of 1997 Iowa Code § 272C.3(2)(a).

THE CIRCUMSTANCES

1. On February 3, 1998, Respondent consented to having his Iowa pharmacy technician registration placed on indefinite probation upon issuance of the registration. In his Stipulation for Entry of Consent Order, Respondent agreed to conditions during his probationary period, including the following:

(5)(a). Respondent shall not consume alcohol.

2. Investigative information indicates that Respondent violated subparagraph (5)(a) of his Stipulation for Entry of Consent Order approved by the Board on February 3, 1998, by consuming alcohol in mid-August 1998.

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 September, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Arlan D. Van Norman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

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

Re:)
Pharmacy Technician)
Registration of)
JOHN J. LYNCH)
Registration No. 2775)
Respondent)

**STIPULATION
AND
CONSENT ORDER**

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

The registrant disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on September 16, 1998, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a pharmacy technician registration in Iowa on the 12th day of February, 1998, under the terms of a Stipulation For Entry of Consent Order dated February 3, 1998, which placed Respondent's registration on probation with conditions upon issuance of the registration. Respondent's registration is evidenced by Pharmacist License Number 2775, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist Technician Registration Number 2775, issued to and held by Respondent is active and current.

3. Respondent is not currently employed as a pharmacy technician.
4. A Statement of Charges was filed against Respondent on September 16, 1998.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the suspension of his pharmacist technician registration in Iowa.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's pharmacist technician registration shall be suspended for a period of six (6) months from the date this Stipulation and Consent Order is approved by the Board. Respondent agrees to submit to a medical and substance abuse evaluation by a physician or treatment provider approved by the Board, all costs of which shall be paid by the Respondent. After the six-month suspension period has passed, and upon receipt of a written report from the physician or treatment provider which recommends that Respondent is ready to return to employment as a pharmacist technician, the registration suspension shall end and the Respondent's registration shall be placed on probation indefinitely 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 Stipulation and Consent Order. 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.
- 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 work only under the direct and immediate supervision of a licensed pharmacist. Respondent shall not work alone in any pharmacy at any time.
- j. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacy technician advocate or a pharmacist advocate.
- k. 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.
- h. 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 pharmacy technician, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

8. 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. Respondent shall renew this release of his medical records, including records pertaining to treatment for alcohol and substance abuse, for subsequent five-year periods as long as he is under suspension or probation under the terms of this Stipulation and Consent Order.
9. Respondent may apply for reinstatement from his suspension on or after October 14, 1999, upon a showing of satisfaction of the terms of paragraph 7. If Respondent's registration is reinstated, his registration shall be placed on probation under the

terms and conditions of probation set forth in paragraph 7.

10. Until Respondent's registration is reinstated, he shall report to the Board in writing once every three (3) months. The reports shall be filed no later than September 5, December 5, March 5, and June 5 of each year. The reports shall include the Respondent's current status, including home address and telephone number; Respondent's progress in medical treatment and substance abuse rehabilitation; Respondent's compliance with all applicable federal and state drug laws and criminal laws; the results of any drug or alcohol screenings of the Respondent during that quarter, and any further information deemed necessary by the Board from time to time. Respondents' first report shall be filed with the Board not later than June 5, 1999.
11. In the event Respondent leaves Iowa to reside or to accept employment as a pharmacist technician outside the state of Iowa, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Consent Order. However, evidence that Respondent has failed to abide by the terms of subparagraphs 7(a) or 7(b) of this Consent Order while outside the state shall constitute a violation of this Consent Order.
12. Should Respondent violate or fail to comply with any of the terms of this Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacy technician registration or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657 Iowa Administrative

Code § 22.18.

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 8th day of April, 1999.

John J. Lynch
John J. Lynch, R.Ph.
Respondent

State of Iowa, Marshall County:

Subscribed and sworn to before me by John J. Lynch on this 8th day of April, 1999.

Kathryn Bair
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 14 day of April, 1999.

Arle D. Van Norman
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