

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

Re:	)	Case No. 2005-12
Pharmacist License of)	
MICHAEL J. LYONS,	)	STATEMENT OF CHARGES
License No. 16764,)	
Respondent.)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") 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 (2005).
3. On July 30, 1986, the Board issued Respondent, Michael J. Lyons, by examination, a license to engage in the practice of pharmacy as evidenced by license number 16764, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2006.
5. Respondent's current address is 1948 Walnut Street, West Des Moines, Iowa 50265.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

The Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1) (2003), 155A.21 and 155A.23 (2003) and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT II – INABILITY TO PRACTICE PHARMACY DUE TO CHEMICAL ABUSE

The 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) (2003) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j) and 36.1(4)(m).

COUNT III – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to himself in the absence of a prescription.

COUNT IV – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4) 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.

B. CIRCUMSTANCES

On or about February 22, 2005, an investigation was commenced which revealed the following:

1. Respondent's employment with Pamida Pharmacy in Winterset, Iowa, was terminated on or about February 15, 2005, following his confession that he had taken prescription medications from Pamida without prescriber authorization and without paying for the drugs.
2. Respondent was observed on camera on or about February 15, 2005, entering Pamida Pharmacy after hours and removing several bottles of hydrocodone products.
3. Respondent had been pharmacist in charge at Pamida in Winterset from approximately April 1, 2002, to June 22, 2003. Respondent was on medical leave from Pamida from June 23, 2003, until October 1, 2004. Since October 1, 2004, Respondent has worked at Pamida in Winterset only twice: on November 20, 2004, and December 18, 2004.
4. Pamida Pharmacy estimates that approximately 2,400 tablets of various strengths of hydrocodone products have been taken from the Winterset Pamida.
5. West Des Moines police officers conducted a search of Respondent's home, 1948 Walnut Street, West Des Moines, on February 18, 2005. The following prescription medications and controlled substances were found in Respondent's garage:

422	Hydrocodone w APAP 10/500mg
177	Hydrocodone w APAP 7.5/500mg
150	Hydrocodone w APAP 5/500mg
5	Levitra 10mg
9	Levitra 20mg
6	Skelaxin 800mg
24	Robaxin 500mg
68	Lorazepam 1mg

- 1 Ambien 10mg
- 57 Alprazolam 0.5mg
- 81 Carisprodol 350mg
- 66 Trandate 100mg
- 119 Xanax 1mg
- 39 Diazepam 5mg
- 43 Diazepam 10mg
- 13 Phentermine 30mg
- 3 Viagra 100mg
- 14 Prednisone 20mg
- 34 Unidentified white tablet with markings (TP) (10/300)

6. Respondent has refused to cooperate with the investigation and has refused to be interviewed or provide a statement to the 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 Secretary/Director

On this 10th day of March, 2005, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
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

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

Re:)	Case No. 2005-12
Pharmacist License of)	
MICHAEL J. LYONS	)	STIPULATION
License No. 16764	)	AND
Respondent	)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Michael J. Lyons (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed 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 June 30, 1986, following examination, as evidenced by Pharmacist License Number 16764, which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent is active and current until June 30, 2006.
3. Respondent was, at times material to the Statement of Charges, employed as a pharmacist at Pamida Pharmacy, Winterset, Iowa.
4. A Statement of Charges was filed against Respondent on March 10, 2005.
5. The Board has jurisdiction over the Respondent and jurisdiction over the subject matter of these proceedings.
6. Respondent does not contest the allegations set forth in the Statement of Charges

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IOWA PHARMACY EXAMINERS

and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Respondent has, prior to the execution of this agreement, provided to the Board a fully documented, written summary of a current physical and mental health evaluation, including a substance abuse evaluation, which concluded that Respondent is mentally and physically fit to practice pharmacy

8. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation on terms which shall include, but not be limited to, the following:

- a. Respondent must agree to comply with the terms of probation.
- b. The period of probation shall be a minimum of five (5) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. After five (5) years of probation have been completed, Respondent may petition the Board for termination of his probationary license period.
- c. 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 or its designee 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 appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

h. Respondent shall obey all federal and state laws, rules, and regulations substantially 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 an agent of the Board. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this Stipulation and Consent Order and with any drug therapy ordered by Respondent's physician. All costs related to the analysis of such specimens shall be paid by Respondent.

k. To facilitate performance of the provisions of paragraph j above, Respondent shall report and provide a specimen to 1st Labs
_____ – or such other healthcare provider as may be specified by the Board – within 24 hours after notice from the Board requesting that Respondent provide a specimen. Respondent agrees to cooperate with the Board in establishing the specimen testing program, and hereby consents to disclosure by such healthcare provider of all medical information, including test results, generated by Respondent's contact with the healthcare provider.

Respondent agrees and understands that, during the initial six (6) months of his probationary period, Respondent will be requested to provide a specimen as often as 5 times per month. Respondent further agrees that, assuming the specimens do not test positive for un-prescribed drugs during the initial second six (6) month period of probation, a second six (6) month period of probation will immediately commence during which Respondent will be requested to provide a specimen as often as three (3) times per month. If Respondent successfully completes the first year of his probationary period without testing positive for an un-prescribed drug,

the frequency with which specimens are requested by the Board will decline – at which time testing shall continue on a purely random basis.

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

m. To the extent Respondent's physician/treatment provider has recommended or in the future may recommend a substance abuse treatment program, Respondent shall comply with such recommendations. During the time 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.

n. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

n. Respondent shall not serve as the pharmacist in charge of a pharmacy.

o. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate, or a comparable program for physicians.

p. Such other reasonable terms as the Board may wish to impose.

9. Should the 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 (2005) and 657 IAC 36.

10. 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.

11. 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

12. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

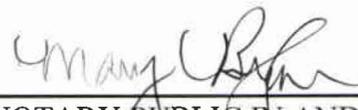
This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 3rd day of March, 2006.



Michael J. Lyons, R.Ph.
Respondent

Subscribed and sworn to before me by Michael J. Lyons on this 3 day of March 2006.





NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the
8th day of March 2006.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
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 Pitton
Martinek & Pitton
102 South Clinton, Suite 510
Iowa City, Iowa

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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
MICHAEL J. LYONS, R.Ph., RESPONDENT**

TERMINATION ORDER

DATE: March 15, 2011

1. On March 8, 2006, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 16764 issued to Michael J. Lyons on July 30, 1986, on probation for a period of five years under certain terms and conditions.

2. Respondent has successfully completed the probation as directed.

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

IT IS HEREBY ORDERED:

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

IOWA BOARD OF PHARAMCY



Vernon H. Benjamin, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case No. 2010-34
Pharmacist License of)	
MICHAEL J. LYONS	)	STATEMENT OF CHARGES
License No. 16764,)	
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 (2011).
3. On July 30, 1986, the Board issued Michael J. Lyons ("Respondent"), by examination, a license to engage in the practice of pharmacy as evidenced by license number 16764, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's address of record is 6580 Dakota Drive, West Des Moines, Iowa 50266.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at Walgreens Pharmacy, 4600 86th Street, Urbandale, Iowa.

A. CHARGE

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacists, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacist and (c) 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, as evidenced by Respondent's failure to perceive and correct a dispensing error.

B. CIRCUMSTANCES

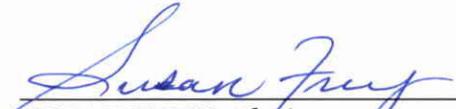
An investigation was commenced on March 31, 2010, which revealed the following:

1. At all material times Respondent was employed as a pharmacist at a Walgreens Pharmacy, 4600 86th Street, Urbandale, Iowa. Through Walgreens' "workload balancing program," Respondent performed order entry verification and drug utilization review for a patient of a Walgreens Pharmacy located at 4555 Fleur Drive, Des Moines, Iowa 50321.
2. At the Fleur Drive Walgreens, original prescription information was incorrectly entered into Walgreen's computer system by a technician. The incorrect prescription information was then checked by Respondent while Respondent was working at the Urbandale Walgreens. Respondent failed to notice that the prescription information had been entered incorrectly.
3. At the time the prescription information was checked by Respondent, Walgreens' computer program alerted Respondent that the dosage was questionable – requiring that he override the system to fill the order. The program was overridden by Respondent.
4. The prescription was then incorrectly filled. A second Walgreens pharmacist reviewed the prescription contents before the medication was dispensed. She failed to catch the discrepancy between the prescription and the medication dispensed.
5. The patient's prescription was filled with the correct medication, but the directions on the label were incorrect, resulting in a medication overdose.
6. Prior to the patient receiving the overdose, the patient's mother called the second Walgreens pharmacist and questioned the directions on the prescription label, asserting that if the directions were followed, there would not be sufficient medication to last through five days of therapy.
7. The patient's mother was told by the second Walgreens pharmacist that the prescription had been correctly dispensed.
8. After the patient vomited the excessive dose, her mother called Walgreens again, at which time the dispensing error was discovered.

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 29 day of June 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



SUSAN FREY, 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 50319

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BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-34
Pharmacist License of)	
MICHAEL J. LYONS,	)	SETTLEMENT AGREEMENT
License No. 16764	)	AND
Respondent.	)	FINAL ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Michael J. Lyons, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The 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 Pharmacist License No. 16764. That license is active and current until June 30, 2014.
2. A Statement of Charges was filed against Respondent on June 29, 2011.
3. At all times relevant to the Statement of Charges, Respondent was employed as a pharmacist at Walgreens Pharmacy, 4600 86th Street, Urbandale, Iowa.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.
5. Respondent has chosen not to contest the allegations in the Statements of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

6. On the date of the Board's approval of this Settlement Agreement and Final Order, Respondent's license shall be placed on probation for a period of one (1) year, subject to the following terms:
 - a. Respondent shall submit a \$1000.00 civil penalty to the Board. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) days of the date this Settlement Agreement is approved by the Board. All civil penalty payments shall be deposited into the State of Iowa's general fund.
 - b. Within 60 days of the date this Settlement Agreement is approved by the Board, Respondent shall complete an additional two (2) hours of continuing pharmacy education (CPE) on medication dispensing errors. Documentation of satisfactory completion of this CPE shall be promptly submitted to the Board. The CPE shall be in addition to the thirty (30) hours of CPE required every two years for license renewal.
 - c. Respondent shall comply with all applicable Iowa pharmacy law and rules and all related federal requirements for controlled substances.
 - d. Respondent shall submit quarterly reports to the Board. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. These reports shall include Respondent's place of employment; current address; a narrative discussing Respondent's current compliance with the terms of this Settlement Agreement and Final Order; and any further information requested by the Board.

- e. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of this Settlement Agreement and Final Order, including the terms, conditions and restrictions imposed on Respondent by this Order.
 - f. Within thirty (30) days after approval of this Settlement Agreement and Final Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent is responsible for ensuring 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. Upon the Board's request, Respondent shall appear informally before the Board for the purpose of reviewing his performance as a pharmacist and compliance with his probation. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
 - h. Only the periods of time during which Respondent is actively practicing as a pharmacist in Iowa shall apply to the duration of the probation, unless otherwise approved by the Board.
 - i. 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.
7. Should Respondent violate or fail to comply with any of the terms and conditions of this Settlement Agreement and Final 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 (2011) and 657 IAC 36.

8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
9. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
10. This Settlement Agreement and Final 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
11. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 21 day of MARCH 2013.


MICHAEL J. LYONS, RPh
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the
13th day of March 2013.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa O=Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Kevin M. Reynolds
WHITFIELD & EDDY, P.L.C.
317 6th Ave., Suite 1200
Des Moines, IA 50309

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE SETTLEMENT AGREEMENT AND FINAL ORDER

MICHAEL J. LYONS, R.Ph., RESPONDENT

2010-34

TERMINATION ORDER

DATE: March 12, 2014

1. On March 13, 2013, a Settlement Agreement and Final Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 16764 issued to Michael J. Lyons on July 30, 1986, on probation for a period of one year under certain terms and conditions.

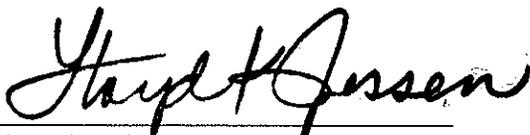
2. Respondent has successfully completed the probation as directed.

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

IT IS HEREBY ORDERED:

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

IOWA BOARD OF PHARMACY



Edward Maier, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688