

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

Re:	)	Case No. 2007-7
Pharmacist License of	)	
<b>WILLIAM R. McLAUGHLIN</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 17464,	)	
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 (2007).
3. On July 25, 1990, the Board issued Respondent, following examination/by examination, a license to engage in the practice of pharmacy as evidenced by license number 17464, 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, 2008.
5. Respondent's current address is 2054 Mississippi View Dr., Muscatine, Iowa 52761.
6. Respondent was, at all times material, employed as the pharmacist-in-charge at Hy-Vee Drugstore Pharmacy, 510 E. Sixth St., Muscatine, Iowa 52761.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4), 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 – PROCURING BY SUBTERFUGE

Respondent is charged obtaining prescription drugs by misrepresentation and subterfuge in violation of Iowa Code §§155A.12(1), 155A.23(1) (2007), by creating false records of prescription orders.

## 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) (2007) and 657 Iowa Administrative Code § 36.1(4)(h), and with transferring a drug to a person not authorized to receive it, specifically to C.S., in violation of Iowa Code § 155A.23(17) (2007).

## COUNT IV – SUBVERTING A BOARD INVESTIGATION

Respondent is charged with subverting a Board investigation in violation of Iowa Code §§ 155A.12(1) and 155A.23(13) (2007) and 657 Iowa Administrative Code § 36.1(4)(z) by, among other things, providing fraudulent records of prescriptions to the Board, making false statements to a Board investigator and preparing a false statement in response to a Board investigation.

## COUNT V – FAILURE TO MAINTAIN RECORDS AND CONTROL OVER DRUGS

Respondent is charged with failing to maintain complete and adequate records of purchases and disposal of drugs listed in the controlled substances act in violation of Iowa Code §§ 155A.12 (4) and (5) (2007), and § 155A.23(12) (2007), and 657 Iowa Administrative Code § 36.1(4)(ac), and with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.12(5) and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

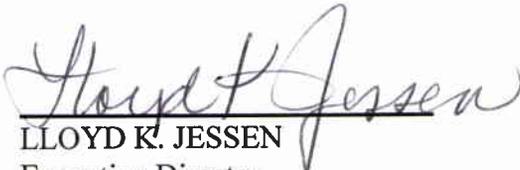
## COUNT VI – ENGAGING IN UNETHICAL CONDUCT

Respondent is charged with engaging in unethical conduct in violation of Iowa Code §§ 155A.12(1) and 155A.12(2) (2007) and 657 Iowa Administrative Code §§ 8.11(1), 8.11(8), 6.7(3) and 36.1(4)(c) by, among other things, being party to a deceitful practice in a pharmacy and procuring prescription drugs, including controlled substances, for C.S.

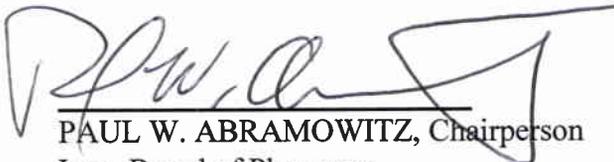
## B. CIRCUMSTANCES

Circumstances supporting the charges are set forth on Attachment A.

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 3<sup>rd</sup> day of July 2007, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
PAUL W. ABRAMOWITZ, 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

McLaughlin-SOC.doc

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

Re:	)	Case No. 2007-7
Pharmacist License of	)	
<b>WILLIAM R. McLAUGHLIN</b>	)	<b>EMERGENCY ORDER</b>
License No. 17464	)	
Respondent.	)	

**I. JURISDICTION**

The Iowa Board of Pharmacy (hereinafter, "Board") has jurisdiction over pharmacy licenses pursuant to Iowa Code Chapters 155A and 272C (2007). Respondent William R. McLaughlin possesses pharmacist license number 17464 issued by the Board. A Statement of Charges was filed against Respondent on July 3, 2007. After receipt and review of the Statement of Charges, and careful review of evidence relating to the Statement of Charges, the Board has adopted the following Findings of Fact and Conclusions of Law and Emergency Order.

**II. FINDINGS OF FACT**

1. On July 25, 1990, the Board issued Respondent a license to engage in the practice of pharmacy as evidenced by license number 17464, subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent has most recently been employed as the pharmacist in charge at the Hy-Vee Drugstore Pharmacy, 510 E. Sixth Street, Muscatine, IA 52761.
3. On January 30, 2007, the board commenced an investigation of Respondent which revealed the following, which the Board hereby finds:
  - a. On January 25, 2007 Christine Sywassink was treated in a Muscatine hospital emergency room for a drug overdose. Six prescription vials were delivered to the hospital at the time

of Sywassink's admission and treatment. The emergency room physician concluded that Sywassink had overdosed on hydrocodone and benzodiazepines.

- b. Sywassink's prescriptions, included prescriptions for hydrocodone/APAP, temazepam and alprazolam, had been filled at the Hy-Vee Drugstore Pharmacy, Muscatine, where Respondent serves as the pharmacist in charge, and where Ms Sywassink formerly worked as a technician. Patient profile information from the pharmacy confirmed that Respondent had filled a number of prescriptions for Ms Sywassink, including prescriptions for controlled substances.
  - c. Cell phone records indicate Respondent and Ms Sywassink were in frequent, regular phone contact for several months prior to Sywassink's overdose. A substantial volume of calls were made between a cell phone owned by Sywassink and Respondent's home phone between March of 2006 and January of 2007.
  - d. Respondent admits filling, then delivering prescriptions to Sywassink at her home. Respondent claims the prescriptions were phoned in from a physician's office.
  - e. Respondent, in a sworn statement, contends that prescriptions for Sywassink were called in by a nurse ("Ann") in the office of a Dr. Sarr at the Mayo Clinic. Dr. Sarr states, however, that he did not write any prescriptions for narcotics for Ms Sywassink, and there is no one in his office with the name "Ann." Dr. Sarr wrote none of the prescriptions for Ms Sywassink (which prescriptions were attributed to his office by Respondent) from March 10, 2007 through January 22, 2007.
  - f. Some prescriptions filled by Respondent were called in with such frequency, and in such large dosage amounts, that they invite professional scrutiny. Respondent states that he did not question the authenticity or efficacy of the prescriptions. Respondent admits that he did not call Dr. Sarr's office to verify the prescriptions.
4. The Board finds that the evidence assembled during the investigation of Respondent supports the July 3, 2007 Statement of Charges against Respondent. The Board also finds that Respondent has violated the provisions of Iowa Code Chapter 155A and Chapter 657 of the Iowa Administrative Code in the manner alleged in the Statement of Charges.
5. The Board finds that Respondent is an immediate danger to the public health, safety and welfare for the following reasons:
- a. Respondent has been employed as the pharmacist in charge of a pharmacy from which Christine Sywassink obtained prescription medications, including controlled substances, for which she had no valid prescription. Respondent delivered the prescription medications to Sywassink, in her home.

- b. Ms Sywassink, a former technician where Respondent is pharmacist in charge, appears to have overdosed on the drugs supplied to her by Respondent, for which the prescription was falsified.
  - c. Respondent claims the prescriptions were phoned in by a nurse in a doctor's office, however Respondent admits to never calling the physician's office to verify the prescriptions. The physician to whom the prescriptions were attributed denies issuing any of the prescriptions in question.
  - d. Respondent and Ms Sywassink engaged in frequent phone conversations for several months before her overdose and it appears, from the frequency of their conversations and from Respondent's delivery of drugs that their relationship included procurement of drugs by Respondent for Sywassink's use.
  - e. Respondent appears to have created pharmacy records to back up his fictional conversations with "Ann" – the purported source of prescription orders for Sywassink.
  - f. Respondent's conduct reflects gross misuse of his pharmacist position for the purpose of illegally providing controlled substances to a close acquaintance. Respondent procured drugs illegally, created false records to cover up his conduct, delivered the drugs to his acquaintance and facilitated, at least, her overdose.
  - g. Respondent's misconduct is wholly inconsistent with appropriate pharmacist conduct.
6. The Board finds that immediate, emergency action must be taken for the reason that if Respondent is allowed to continue to work as a pharmacist, the public health, safety and welfare will be threatened by his improper practices related to procuring controlled substances under false pretenses, dispensing controlled substances to members of the public and falsifying records to conceal his conduct. Respondent has also, through false testimony, attempted to subvert a Board investigation. In short, Respondent has demonstrated a wide-ranging disregard for his responsibilities as a pharmacist. Given this fact, there is no basis for assuming that Respondent will conduct himself in a responsible, lawful manner in the immediate future. Under that circumstance, the Board does not believe Respondent should possess a license to practice pharmacy.
7. The Board finds that the minimum emergency action needed to protect the public health, safety and welfare is as follows:

- a. Immediate suspension of Respondent's pharmacist license.
- b. Issuance of an order directing that Respondent's license shall remain suspended until satisfactory evidence of Respondent's ability to resume the practice of pharmacy has been provided to the Board.

### **III. CONCLUSIONS OF LAW**

1. Respondent's disregard for the provisions of Iowa Code chapter 155A.15 and chapter 657 of the Iowa Administrative Code, as well as the provisions of state and federal law relating to controlled substances, prevent Respondent from working safely as a pharmacist.
2. The provisions of Iowa Code § 17A.18A (2007) permit the Board of Pharmacy to take emergency action to protect the health, safety and welfare of the public. A basis for emergency action against respondent, pursuant to the provisions of the Iowa Code and the Iowa Administrative Code, has been established by the findings of fact adopted above.

### **IV. EMERGENCY ORDER**

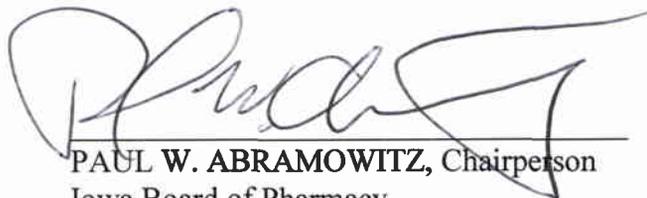
The Board ORDERS as follows:

1. Pursuant to Iowa Code § 17A.18A, chapter 155A (2007) and 657 Iowa Administrative Code § 35, the pharmacist license of William R. McLaughlin is suspended indefinitely. This suspension is effective immediately upon issuance of this order.
2. Respondent shall be notified of this order as provided in 657 Iowa Administrative Code § 35.30(2).
3. A hearing regarding this Emergency Adjudicative Order and the Statement of Charges against Respondent shall be held on August 1, 2007. The hearing will commence at 9:00 a.m. and be

held at the office of the Iowa Board of Pharmacy, 400 Southwest 8th Street, Suite E,

Des Moines, Iowa 50309.

Dated this 3<sup>rd</sup> day of July 2007.



PAUL W. ABRAMOWITZ, 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 BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

) Case No. 2007-7

Re: )  
Pharmacist License of )  
**WILLIAM R. McLAUGHLIN** ) **STATEMENT OF CHARGES**  
License No. 17464, )  
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 (2007).
3. On July 25, 1990, the Board issued Respondent, following examination, a license to engage in the practice of pharmacy as evidenced by license number 17464, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current until June 30, 2008. Respondent is subject to an emergency suspension of his license pursuant to an order of the Board dated July 3, 2007.
5. Respondent's address is 2054 Mississippi View Dr., Muscatine, IA 52761.
6. Respondent was, at all times material, employed as the pharmacist-in-charge at Hy-Vee Drugstore Pharmacy, 510 E. Sixth St., Muscatine, IA 52761.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4), 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 – WILLFUL AND GROSS NEGLIGENCE**

Respondent is charged with willful and gross negligence for failure to monitor both the number and nature of doses of prescription medications being dispensed to a patient, in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(s).

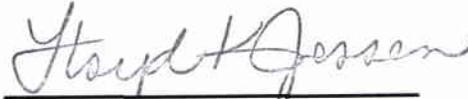
### COUNT III- CONVICTION OF A FELONY

Respondent is charged with conviction of a felony related to the profession of pharmacy in violation of Iowa Code §§ 155A.12(1) and 155A.9 (2007) and 657 Iowa Administrative Code § 36.1(4)(e), specifically, conviction of unlawfully dispensing a prescription drug in violation of Iowa Code §§ 124.401(1)(c)(8), 155A.23 and 155A.24 (2007), a class C felony.

### B. CIRCUMSTANCES

Circumstances supporting the charges are set forth on Attachment A.

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 January 2008, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



PAUL W. ABRAMOWITZ, 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

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

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Re:	)	<b>ORDER</b>
Pharmacist License of	)	<b>ACCEPTING</b>
<b>WILLIAM R. McLAUGHLIN</b>	)	<b>SURRENDER OF</b>
License No. 17464	)	<b>PHARMACIST LICENSE</b>

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**COMES NOW**, Lemman E. Olson, Chairperson of the Iowa Board of Pharmacy, on the 4<sup>th</sup> June, 2008, and declares that:

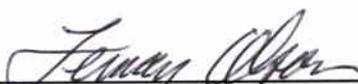
1. On June 2, 2008, Respondent executed a voluntary surrender of his pharmacist license number 17464.

3. On June 4, 2008, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

**WHEREFORE**, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 17464 is hereby accepted.

IOWA BOARD OF PHARMACY

  
\_\_\_\_\_  
LEMAN E. OLSON, Chairperson

Original  
Accepted  
6/4/08

## VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, William R. McLaughlin, a resident of Muscatine County, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my State of Iowa pharmacist license, number 17464, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, William R. McLaughlin, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat by any representative, officer, or employee of the Iowa Board of Pharmacy, or by any other state official, do hereby further acknowledge that by signing this surrender statement I am knowingly and willingly giving up my right to exercise the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy on the matter of my continued licensure as a pharmacist pursuant to Iowa Code Chapter 155A (2007).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- (3) My right to submit evidence, to have witnesses called on my own behalf at formal hearing and my right to cross-examine any other witnesses at such formal hearing.

I, William R. McLaughlin, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Pre-requisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the

board's order or the date of voluntary surrender.

36.13(2) Pharmacist license revoked or surrendered--examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 36.14 (17A, 124B, 147, 155A, 272C).

36.13(4) Burden of proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657--Chapter 14.

I, William R. McLaughlin, hereby further give my assurance that I will not engage, in any manner, in the practices of a pharmacist in the State of Iowa for which a license is required.

June 2, '08  
Date of signature

William R. McLaughlin  
William R. McLaughlin

State of Iowa :  
: SS  
County of Muscatine :

Subscribed and sworn to before me by William R. McLaughlin on this 2nd day of June 2008.

Melanie A. Hinman  
NOTARY PUBLIC FOR THE STATE OF IOWA

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