

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

Re:)	Case No. 2004-31
Pharmacist License of)	
JULIE P. McPHILLIPS,)	STATEMENT OF CHARGES
License No. 18046,)	
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 (2003).
3. On July 23, 1993, the Board issued Respondent, Julie P. McPhillips, by examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 18046, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is inactive, having expired on June 30, 2003.
5. Respondent's current address is 28465 185th Street, Honey Creek, Iowa 51542.

A. CHARGES

COUNT I – ADDICTION TO DRUGS

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4)(d) with addiction to the use of drugs and alcohol.

COUNT II – DISCIPLINE OF LICENSE IN NEBRASKA

Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(8) and 155A.12(10) (2003) and 657 Iowa Administrative Code § 36.1(4)(ee) with having had her license to practice pharmacy in Nebraska suspended for conduct substantially equivalent to grounds for discipline in Iowa.

B. CIRCUMSTANCES

On or about January 13, 2004, Respondent self-reported to the Board disciplinary action by the Nebraska Department of Health and Human Services. A review of the Nebraska discipline reveals the following:

1. In her stipulated settlement with Nebraska, filed January 7, 2004, Respondent admitted illegal possession of and addiction to controlled substances.
2. The settlement, which was adopted by the Nebraska Department of Health and Human Services by an Order dated March 1, 2004, provided for a six month suspension of Respondent's license to practice pharmacy in Nebraska.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such disciplinary action as it may deem to be appropriate under the law.


Lloyd K. Jessen
Executive Secretary/Director

On this 7 day of October 2004, 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

McPhillips-SOC.doc

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

Re:)	Case No. 2004-31
Pharmacist License of)	
JULIE P. McPHILLIPS)	STIPULATION
License No. 18046,)	AND
Respondent.)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Julie P. McPhillips (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 July 23, 1993, following examination, as evidenced by Pharmacist License Number 18046, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is inactive, having expired on June 30, 2003.
3. A Statement of Charges was filed against Respondent on October 7, 2004.
4. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
5. Respondent does not 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.

6. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be suspended indefinitely. During such period of license suspension, Respondent agrees to submit to a medical and substance-abuse evaluation by a physician or treatment provider approved by the Board. If Respondent has previously participated in a substance abuse treatment program, which program included a medical and substance abuse evaluation, Respondent may apply to the Board to utilize the prior medical and substance abuse evaluation to comply with the terms of this paragraph. Respondent's physician or treatment provider must, however, have been specifically alerted to the fact that Respondent has acknowledged illegal possession of and addiction to controlled substances.

7. Upon receipt of a written report from a physician or treatment provider who recommends that Respondent is ready to return to the practice of pharmacy, Respondent's license suspension shall end and Respondent's license shall be placed on probation for a period 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. Respondent's probation shall be in accordance with the following terms and conditions, which Respondent agrees to follow:

- 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. Respondent shall inform any treating physician or other treating health care provider of her history of chemical dependency.

c. Respondent shall not possess any controlled substance except medications prescribed in accordance with the preceding paragraph.

d. Respondent shall provide witnessed blood, hair or urine specimens on demand by an agent of the Board, all costs of which shall be paid for by Respondent. 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/treatment provider.

e. To facilitate performance of the provisions of paragraph d above, Respondent shall report and provide a specimen to the Allegiant Healthcare facility in Council Bluffs, Iowa – or such other healthcare provider specified by the Board – within 24 hours after notice from the Board requesting that she provide a specimen. Respondent shall consent to disclosure by such healthcare facility of all medical information, including test results, generated by Respondent's contact with the facility.

f. Respondent shall comply with all treatment recommendations of her physician or treatment provider. The physician/treatment provider shall submit quarterly reports to the Board documenting Respondent's compliance with any treatment program.

g. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. The quarterly reports shall include Respondent's place of employment, current home

address, home telephone number, or work telephone number, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order* and any further information deemed necessary by the Board from time to time.

h. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

i. Respondent shall make personal appearances 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.

j. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy and the distribution of controlled substances.

k. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

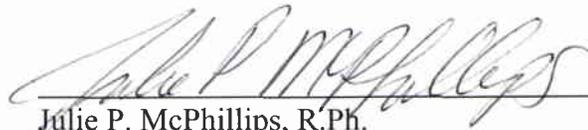
l. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

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

- n. 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.
 - o. 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.
8. Respondent agrees to release all her medical records to the Board, including all medical records 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 seven years from the date of the Board's approval of this Stipulation and Consent Order
9. 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 (2003) 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 12 day of January 2004.


Julie P. McPhillips, R.Ph.
Respondent

Subscribed and sworn to before me by Julie P. McPhillips on this 12 day of 2005 2004.




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 15 day of February 2005


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

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

Re:)	Case No. 2004-31
Pharmacist License of)	
JULIE P. McPHILLIPS)	REINSTATEMENT
License No. 18046)	ORDER
Respondent.)	

COMES NOW, Paul Abramowitz, Chairperson of the Iowa Board of Pharmacy, on the 3rd day of July, 2007, and declares that:

1. On February 15, 2005, Respondent's Iowa pharmacist license number 18046 was placed on indefinite suspension pursuant to the terms of a Stipulation and Consent Order approved by the Board on February 25, 2005.
2. On March 13, 2007, Respondent appeared before the Board at an Informal Reinstatement Conference pursuant to 657 I.A.C. 36.14.
3. Based on the testimony presented at the Informal Reinstatement Conference, the Board concludes that the basis for the indefinite suspension of the Respondent's pharmacist license no longer exists and that it is in the public interest to allow her license to be reinstated.

WHEREFORE, following deliberation by the Board, it is hereby ordered that Respondent's pharmacist license number 18046 shall be reinstated, subject to the following terms and conditions:

1. Upon receipt of a completed license renewal application and a renewal fee of \$220 from Respondent, the Board shall reinstate Respondent's license and place it on probation for a term of five years, provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
2. Compliance with all other terms and conditions as spelled out in the Stipulation and Consent Order approved by the Board on February 25, 2005.

Dated this 3rd day of July, 2007.

A handwritten signature in black ink, appearing to read 'Paul Abramowitz', written over a horizontal line.

PAUL ABRAMOWITZ, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: **Scott Galenbeck**
Iowa Assistant Attorney General

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER
AGAINST**

JULIE P. McPHILLIPS, R.Ph., RESPONDENT

2004-31

TERMINATION ORDER

DATE: March 10, 2010

1. On February 15, 2005, a Stipulation and Consent Order was approved by the Board of Pharmacy placing the license to practice pharmacy, number 18046 issued to Julie P. McPhillips on July 23, 1993, on indefinite suspension.

2. Respondent's license suspension was lifted on July 3, 2007, upon receipt of a written report from her physician or treatment provider who recommended that she was ready to return to the practice of pharmacy. Respondent's license was placed on probation for a period of five years under certain terms and conditions.

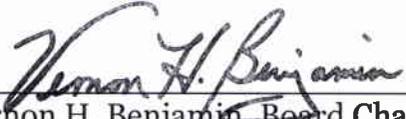
3. On March 9, 2010, Respondent appeared before the Board requesting early release from probation.

4. 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

A handwritten signature in cursive script, reading "Vernon H. Benjamin". The signature is written in black ink and is positioned above a horizontal line.

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