

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	}	
DOUGLAS E. MORGAN	}	COMPLAINT AND
License No. 15311	}	STATEMENT OF CHARGES
Respondent	}	

COMES NOW, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 10th day of January, 1992, and files this Complaint and Statement of Charges against Douglas E. Morgan, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on July 12, 1978, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1993.

4. Respondent currently resides at 2806 Sterling Drive, Iowa City, Iowa 52240.

5. Respondent was employed as a staff pharmacist at the pharmacy department of the University of Iowa Hospitals and Clinics located at 500 Newton Road in Iowa City, Iowa 52242.

6. The Board has received an investigative report dated December 3, 1991, from Pharmacy Investigator E. Ray Shelden. That report indicates the following:

a. On December 2, 1991, the University of Iowa Hospitals and Clinics Pharmacy Department reported that it was missing approximately 113 vials of Nubain Injection, a prescription drug, and an undetermined amount of Phenergan Injection, also a prescription drug. This loss was believed to have occurred during the month of November 1991.

b. On December 3, 1991, Respondent admitted to Pharmacy Investigator E. Ray Shelden and Sgt. Mary Jo Lessmeier of the University of Iowa Campus Security that over the last 3-4 years he had removed Nalbuphine HCl (Nubain) and Promethazine HCl

(Phenergan) vials from five different dispensing sites of the University of Iowa Hospitals and Clinics Pharmacy Department. Respondent also admitted that he usually took an equal amount of Nubain and Phenergan and that he had been injecting equal amounts of these drugs three to five times a day for the past 12 months.

c. A search of the Respondent at the University of Iowa Hospitals and Clinics by the University of Iowa Department of Public Safety on December 3, 1991, found him to be in possession of the following: 20 1ml vials of Nubain Injection 10mg/ml; 23 1ml vials of Promethazine Injection 25mg/ml; 58 alcohol preps; five 6ml syringes; seven 3ml syringes; and ten 1ml syringes. A search of Respondent's office at the University of Iowa Hospitals and Clinics by the University of Iowa Department of Public Safety on December 3, 1991, revealed the presence of several boxes containing drug paraphernalia.

d. On December 3, 1991, Respondent was arrested by the University of Iowa Patrol Division and charged with the following:

CHARGE 1: That he [Respondent] did, on or about the 1st day of November, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 2: That he [Respondent] did, on or about the 6th day of November, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 3: That he [Respondent] did, on or about the 13th day of November, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 4: That he [Respondent] did, on or about the 19th day of November, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 5: That he [Respondent] did, on or about the 27th day of November, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 6: That he [Respondent] did, on or about the 3rd day of December, 1991, in Johnson County, State of Iowa, obtain a prescription drug by deceit in violation of Iowa Code section 155A.23, a criminal offense classified as a serious misdemeanor. He [Respondent] did procure prescription drugs for his own use without a prescription. Said drugs are non-scheduled.

CHARGE 7: That he [Respondent], on or about the 3rd day of December, 1991, in Johnson County, State of Iowa, was found in possession of a prescription drug, limited to dispensation by prescription, in violation of Iowa Code section 155A.21, a criminal offense classified as a serious misdemeanor. Non-scheduled drugs were taken [by Respondent] without a prescription written for him.

e. On or about December 3, 1991, Respondent was admitted to the McBride Center of the Milwaukee Psychiatric Center in Milwaukee, Wisconsin, for inpatient treatment.

7. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.21(1), and 155A.23(1)(a) by virtue of the allegations in paragraph 6.

Iowa Code section 155A.12 provides, in part, the following:

...The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

Iowa Code section 155A.21 provides, in part, the following:

1. A person found in possession of a drug limited to dispensation by prescription, unless the drug was so lawfully dispensed, commits a serious misdemeanor.

Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a drug by:

a. Fraud, deceit, misrepresentation, or subterfuge....

8. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u) by virtue of the allegations in paragraph 6.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:...

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

....
h. Distribution of...drugs for other than lawful purposes. The distribution of drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of Iowa Code chapters 155A, 203, 203A, and 204.

...
m. Inability to practice pharmacy with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

...
u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 7 and 8 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.21(1), and 155A.23(1)(a) and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u)

IOWA BOARD OF PHARMACY EXAMINERS

A handwritten signature in cursive script, appearing to read "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen
Executive Secretary/Director

VOLUNTARY SURRENDER OF
LICENSE TO PRACTICE PHARMACY

I, DOUGLAS E. MORGAN, of 2806 Sterling Drive, Iowa City, Iowa 52240, 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 license to practice pharmacy in the State of Iowa, number 15311, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the signature of the licensee, DOUGLAS E. MORGAN, and of a representative of the Iowa Board of Pharmacy Examiners being affixed to this voluntary surrender document.

I, DOUGLAS E. MORGAN, of my own free will and without any mental reservation and not as the result of any inducement, promise, or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1991.
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, DOUGLAS E. MORGAN, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 1.4, a license to practice pharmacy which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 1.3, which provides as follows:

Any person whose license to practice pharmacy has been revoked must meet the following eligibility requirements:

- 1. Must have satisfied all the terms of the order of revocation or court proceedings as they apply to that revocation.
- 2. Must successfully pass NABPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.

- 3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license which shall be docketed in the original case in which the license was revoked. All proceedings upon petition for reinstatement, including preliminary and ancillary matters, shall be subject to the same rules of procedure as other cases before the board.
- 4. 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 no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent.
- 5. An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in subrule 1.1(9).

I, DOUGLAS E. MORGAN, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

12/3/91
Date of Signature

Douglas E. Morgan
DOUGLAS E. MORGAN

12-3-91 9:29 AM
Date of Signature

E. Ray Shelden
E. RAY SHELDEN, Investigator
Iowa Board of Pharmacy Examiners
E. Ray Shelden

Subscribed and sworn to before me this 3rd day of December, 1991.

Mary Jo Gessman
Notary Public

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of :
DOUGLAS E. MORGAN : REINSTATEMENT
License No. 15311 : ORDER
Respondent :

COMES NOW, Marian L. Roberts, Vice Chairperson of the Iowa Board of Pharmacy Examiners, on the 29th day of July, 1992, and declares that:

1. On January 10, 1992, the Iowa Board of Pharmacy Examiners issued a Complaint and Statement of Charges to Respondent.

2. On December 3, 1991, Respondent executed a voluntary surrender of his pharmacist license number 15311 pursuant to 657 Iowa Administrative Code section 1.4. His license surrender was accepted by the Board on January 14, 1992.

3. On April 28, 1992, Respondent participated in an informal teleconference with the Board. At the conclusion of the teleconference, the Board agreed to allow Respondent to sit for all three components of the Board examination (the NABPLEX, the Federal Drug Law Examination, and the Iowa Drug Law Examination) in Iowa City on June 23-24, 1992.

WHEREAS Respondent was administered the NABPLEX, the Federal Drug Law Examination, and the Iowa Drug Law Examination on June 23-24, 1992, and received passing scores on all examinations, Respondent's pharmacist license number 15311 is now eligible for reinstatement.

WHEREFORE, it is hereby ordered that pharmacist license number 15311 issued to Douglas E. Morgan on July 12, 1978, is now reinstated subject to the following terms and conditions:

(1) If the University of Iowa Pharmacy Department or Respondent's medical treatment team change any terms of the April 1, 1992, work agreement prior to April 1, 1993, the Board will be notified within ten days of such change.

(2) Respondent shall be placed on probation for five years beginning on the date of restoration of his license. During the probationary period, Respondent shall comply with the following conditions:

(a) At the Board's discretion, Respondent shall submit to random body fluid testing with test results to be submitted to the Board office. Testing shall be done at Respondent's expense as directed by the Board and/or by Respondent's provider of aftercare. As long as random screens are required by Respondent's work agreement, results of all such testing shall be sent to the Board.

(b) Respondent shall not be an owner of a pharmacy nor serve as the pharmacist in charge, manager, or assistant manager of a pharmacy.

(c) Respondent shall submit written reports quarterly to the Board which provide proof of continued participation in an aftercare program and/or Alcoholics Anonymous / Narcotics Anonymous, during the first two years of probation. During the final three years of probation, Respondent shall report on his progress in writing every six months. All quarterly and biannual reports shall include Respondent's place of employment and home address.

(d) Respondent shall notify all present and prospective pharmacy employers of the Reinstatement Order in this case, and the terms, conditions, and restrictions imposed on Respondent by said Reinstatement Order. Within 15 days of Respondent undertaking new employment, Respondent shall cause each pharmacy employer to report to the Board in writing acknowledging that the pharmacy employer has read the Reinstatement Order in this case.

(e) Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.

(f) Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.

(g) Respondent shall not supervise any registered pharmacist-intern nor perform any of the duties of a preceptor.

(h) Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a licensed, treating physician. The Respondent shall inform any treating physician of the terms of this Reinstatement Order prior to accepting any medication.

(3) Should Respondent leave Iowa to reside or practice outside this state, he shall notify the Board in writing of the date of departure and return. Periods of residency or practice outside the state shall not apply to a reduction in the probationary period.

(4) Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final and the period of probation shall be extended until the matter is final.

(5) Upon successful completion of probation, Respondent's certificates will be fully restored.

IOWA BOARD OF PHARMACY EXAMINERS


Marian L. Roberts
Vice Chairperson

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

Re:)	
Pharmacist License of)	MODIFICATION
DOUGLAS E. MORGAN)	OF
License No. 15311)	REINSTATEMENT
Respondent)	ORDER

COMES NOW, Marian L. Roberts, Chairperson of the Iowa Board of Pharmacy Examiners, on the 8th day of June, 1994, and declares that:

1. On July 29, 1992, the Iowa Board of Pharmacy Examiners (hereafter the Board) issued a "Reinstatement Order" to Douglas E. Morgan, R.Ph., (hereafter the Respondent).

2. On May 5, 1994, the Respondent executed a new work agreement with the pharmacy department of the University of Iowa Hospitals and Clinics. The new work agreement specifies the following in paragraph 2:

D. Morgan will continue random, witnessed urine drug screening set at the rate of one per week (effective April 1, 1994). The screen for Nubain will be dropped. The expense associated with this screening is the responsibility of D. Morgan. This screening will continue for a one year period.

3. On June 8, 1994, the Board considered the Respondent's new work agreement and voted to incorporate the provision contained in paragraph 2, above, into his Reinstatement Order dated July 29, 1992.

THEREFORE IT IS ORDERED that paragraph (2)(a) of Respondent's Reinstatement Order dated July 29, 1992, is hereby amended to read as follows:

(a) At the Board's discretion, Respondent shall submit to random body fluid testing with test results to be submitted to the Board office. Testing shall be done at Respondent's expense as directed by the Board and/or by Respondent's provider of aftercare. Respondent will continue random, witnessed urine drug screening set at the rate of one per week (effective April 1, 1994). The screen for Nubain may be discontinued. The drug screening will continue for as long as random screens are required by Respondent's work agreement.

Dated this 8th day of June 1994.

IOWA BOARD OF PHARMACY EXAMINERS



Marian L. Roberts, Chairperson