

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

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Re:	)	Case No. 2002-1485
Pharmacist Intern Registration of	)	
<b>TIMOTHY OCHELTRREE</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 1485	)	
Respondent	)	

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**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 (2001).
3. On March 31, 1998, the Board issued Respondent, Timothy Ocheltree, a pharmacist-intern registration subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 1485 is current and active.
5. Respondent's current address is 26 Rita Lyn Court, Iowa City, Iowa 52245.
6. Upon information and belief, the Respondent is currently on leave from the University of Iowa College of Pharmacy and is not currently employed as a pharmacist intern.

**COUNT I**

The Respondent is charged under Iowa Code § 155A.6(3) (2001) and 657 Iowa Administrative Code §§ 4.11 with violation of the laws of this State and the United States relating to controlled substances by possessing controlled substances in violation of Iowa Code §§ 124.401(5), 124.204 & 155A.23.

## COUNT II

The Respondent is charged under Iowa Code §§ 155A.6(3) (2001) and 657 Iowa Administrative Code §§ 4.11 with violation of the laws of this State and the United States relating to prescription drugs and controlled substances by unlawfully possessing prescription drugs in violation of Iowa Code § 155A.21 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j) and by unlawfully diverting the prescription drugs to others in return for controlled substances.

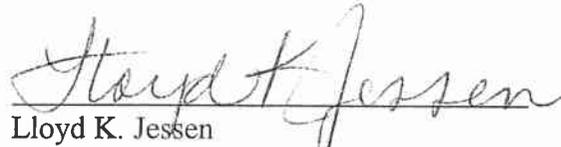
## COUNT III

The Respondent is charged under Iowa Code §§ 155A.6(3) (2001) and 657 Iowa Administrative Code §§ 4.11 with the inability to practice as a pharmacist intern with reasonable skill and safety by reason of excessive use of alcohol, chemical abuse, and/or mental impairment in violation of 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

## THE CIRCUMSTANCES

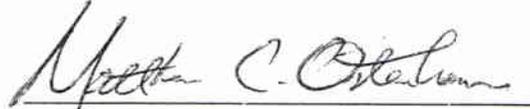
1. The Board received a referral regarding the Respondent from the Iowa Pharmacy Professional Recovery Network (IPRN) in January 2002. The referral was made pursuant to the terms of the contract between the Board and the IPRN.
2. According to the information provided to the Board from the IPRN, the Respondent had voluntarily joined the IPRN program, but had broken the terms of his contract with the IPRN when two separate urine drug screens came back positive for marijuana.
3. The information received from the IPRN and the Board's follow-up investigation reveals that the Respondent has admitted to using marijuana and other controlled substances.
4. The Respondent admitted that he took outdated Viagra tablets from the pharmacy lab where he worked.
5. On at least one occasion, the Respondent admitted that he took the Viagra tablets so that he could exchange them for marijuana.
6. The Respondent suffers from a mental impairment and/or substance abuse that impairs his ability to function as a pharmacist intern.

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 24 day of April, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Matthew C. Osterhaus, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re: ) Pharmacist Intern Registration of ) <b>TIMOTHY OCHEL TREE</b> ) Registration No. 1485 ) Respondent )	Case No. 2002-1485  <b>STIPULATION AND CONSENT ORDER</b>
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COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Timothy Ocheltree, (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against the Respondent on April 24, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Board issued a pharmacist-intern registration to Timothy Ocheltree on March 31, 1998, as evidenced by Pharmacist-intern Registration Number 1485, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist-intern Registration Number 1485, issued to and held by the Respondent is current and active.
3. The Respondent is currently on leave from the University of Iowa College of

Pharmacy and is not currently employed as a pharmacist intern.

4. A Statement of Charges was filed against the Respondent on April 24, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's pharmacist-intern 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 complete a course of treatment for chemical dependency and any accompanying mental issues with a treatment provider that is pre-approved by the Board. Said treatment shall include, but is not limited to addressing the allegations in the Statement of Charges and the issues raised by the evaluations and treatment of the Respondent provided by the University of Iowa Hospitals and Clinics. The Respondent agrees to

comply with the recommendations of his treatment providers. In agreeing to this Settlement Agreement and Final Order, the Respondent explicitly waives any objection to the Board's releasing details relating to this disciplinary action, including the investigative file, to the treatment provider to assist the treatment provider in treatment of the Respondent.

- d. 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.
- e. 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.
- f. Respondent shall comply with the UI-PRN Contract issued by the University of Iowa College of Pharmacy. The University of Iowa College of Pharmacy shall submit quarterly reports to the Board documenting the Respondent's compliance with the UI-PRN Contract. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year that the Respondent remains subject to the UI-PRN Contract.
- g. 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.

- h. 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(g) 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.
- i. 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. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
- j. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

- k. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
- l. 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.
- m. 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 during the probationary period.
- n. During the probationary period, the Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the 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 pharmacist-intern, the Respondent shall cause his pharmacy employer, the pharmacist-in-charge that he works

under, and his pharmacy preceptor to report to the Board in writing acknowledging that the employer, the pharmacist-in-charge, and the Respondent's preceptor have read this document and understand it.

8. In the event the Respondent becomes otherwise eligible for licensure as a pharmacist in the State of Iowa, the Respondent agrees that the Board will issue an Iowa pharmacist license to him, but that the license will be placed on probation for a period of three (3) years beginning on the date it is issued subject to the following 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 complete a course of treatment for chemical dependency and any accompanying mental issues with a treatment provider that is pre-approved by the Board. Said treatment shall include, but is not limited to addressing the allegations in the Statement of Charges and the issues raised by the evaluations and treatment of the Respondent provided by the University of Iowa Hospitals and Clinics. The Respondent agrees to comply with the recommendations of his treatment providers. In agreeing

to this Settlement Agreement and Final Order, the Respondent explicitly waives any objection to the Board's releasing details relating to this disciplinary act on, including the investigative file, to the treatment provider to assist the treatment provider in treatment of the Respondent.

- d. 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.
- e. 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.
- f. 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 March 5, June 5, September 5, and December 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.
- g. 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 8(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.

- h. 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. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
- i. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
- j. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.
- k. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- l. Respondent shall not serve as the pharmacist in charge of a pharmacy.
- m. Respondent shall participate in the Iowa Pharmacy Recovery Network

(IPRN) program under the direct support of a pharmacist advocate.

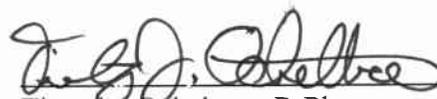
- n. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- o. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining 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 the probationary period.
- p. During the probationary period, the Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the 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 pharmacist, the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that 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.

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-intern registration or his Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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 party. 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.

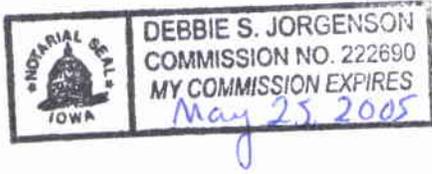
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13. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 11 day of June, 2002.



Timothy Ocheltree, R.Ph.  
Respondent

Subscribed and sworn to before me by Timothy Ocheltree on this 11th day of June, 2002



Debbie S. Jorgenson  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 18 day of June 2002

Katherine A. Linder  
KATHERINE A. "KAP" LINDER,  
Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Sharna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re:

Pharmacist Intern Registration of  
**TIMOTHY OCHELTRREE**  
Registration No. 1485  
Respondent

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Case No. 2002-1485  
**STATEMENT OF CHARGES**

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**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 (2001).
3. On March 31, 1998, the Board issued Respondent, Timothy Ocheltree, a pharmacist-intern registration subject to the laws of the State of Iowa and the rules of the Board.
4. Registration number 1485 is current and active, but is subject to probation.
5. Respondent's current address is 26 Rita Lyn Court, Iowa City, Iowa 52245.
6. Upon information and belief, the Respondent is currently on leave from the University of Iowa College of Pharmacy and is not currently employed as a pharmacist intern.

**COUNT I**

The Respondent is charged under Iowa Code § 155A.6(3) (2001) and 657 Iowa Administrative Code §§ 4.11 with violation of the laws of this State and the United States relating to controlled substances by possessing controlled substances in violation of Iowa Code §§ 124.401(5), 124.204 & 155A.23.

**COUNT II**

The Respondent is charged under Iowa Code § 155A.6(3) (2001) and 657 Iowa

Administrative Code §§ 4.11 with the inability to practice as a pharmacist intern with reasonable skill and safety by reason of excessive use of alcohol, chemical abuse, and/or mental impairment in violation of 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

### COUNT III

The Respondent is charged under Iowa Code § 155A.6(3) with violating the terms of his probation with the Board.

### THE CIRCUMSTANCES

1. The Board filed a Statement of Charges against the Respondent on April 24, 2002 charging the Respondent with three counts of violations. Two of the three alleged violations involved the illegal possession of controlled substances and impairment due to substance abuse.
2. The Respondent entered into a Stipulation and Consent Order with the Board that was approved by the Board on June 18, 2002. The Stipulation and Consent Order placed the Respondent's pharmacist-intern registration on probation indefinitely subject to various terms and conditions.
3. The terms and conditions of the Respondent's probation included that he is not to consume alcohol or controlled substances and that he is required to comply with the UI-IPRN Contract that he entered into with the University of Iowa and the Iowa Pharmacy Recovery Network.
4. On or about August 23, 2002, the Board received information that the Respondent had been suspended from pharmacy school at the University of Iowa because he had violated the terms and conditions of his UI-IPRN Contract.
5. During the Board's investigation of the allegations described in Paragraph 4, the Respondent admitted that he had consumed alcohol and controlled substances that had not been prescribed to him.
6. The Respondent also indicated that he needed help and that he was enrolling in an intensive in-patient treatment program.
7. The Respondent suffers from a mental impairment and/or substance abuse that impairs his ability to function as a pharmacist intern.

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 17 day of Oct., 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Katherine A. Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319