

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

Re:	)	Case No. 2008-7
Pharmacist License of)	
BILL THOMAS POULOS	)	STATEMENT OF CHARGES
License No. 20076,)	
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 August 3, 2004, the Board issued Bill Thomas Poulos (hereinafter "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 20076 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 most recent address of record is 3216 Sycamore, Sioux City, Iowa 51104. Police reports indicate that Respondent's most recent address was 2625 W. 54th Street, Davenport, IA 52806.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at the CVS Pharmacy #8659, 1777 Division Street, Davenport, Iowa.

A. CHARGE

COUNT I – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS

Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1), 155A.21 and 155A.23 (2007) and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

COUNT II – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code §§ 124.403(c) and 155A.12(5) (2007), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT III – INABILITY TO PRACTICE PHARMACY DUE TO CHEMICAL ABUSE

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) (2007) and 657 Iowa Administrative Code §§ 36.1(4)(d) and 36.1(4)(m).

COUNT IV – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(14) (2007) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to himself in the absence of a prescription.

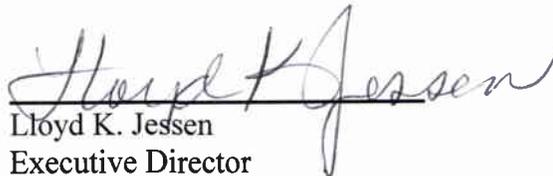
COUNT V – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b) 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 as evidenced by Respondent's diversion and use of drugs, and falsification of controlled substance inventory records.

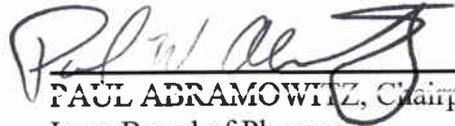
B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in 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 12th day of February 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


PAUL 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

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BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2008-7
Pharmacist License of)	
BILL THOMAS POULOS)	EMERGENCY ORDER
License No. 20076,)	
Respondent.)	

I. JURISDICTION

The Iowa Board of Pharmacy (hereinafter, "Board") has jurisdiction over pharmacy licensees pursuant to Iowa Code Chapters 155A and 272C (2007). Bill Thomas Poulos (hereinafter, "Respondent") possesses pharmacist license number 20076 issued by the Board. A Statement of Charges was filed against Respondent on February 12th, 2008. 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, Conclusions of Law and Emergency Order.

II. FINDINGS OF FACT

1. On August 3, 2004 the Board issued Respondent a license to engage in the practice of pharmacy as evidenced by license number 20076, subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent was recently employed as a pharmacist at CVS Pharmacy #8659, 1777 Division Street, Davenport, Iowa. He has been discharged from employment by CVS but has been applying for employment at other pharmacies.
3. An investigation was commenced on or about January 15, 2008, which revealed the following:
 - a. Respondent was formerly employed as a pharmacist at a CVS pharmacy in Davenport.

- b. CVS loss prevention personnel noted an unusual number of inventory adjustments on hydrocodone products, and followed up by installing a video camera in the pharmacy.
 - c. Respondent was observed and recorded on video diverting drugs.
 - d. Respondent admitted in a signed statement diverting to his own use 80 hydrocodone tablets a week for the past 2½ years (approximately 9600 total).
 - e. Respondent concealed his diversions by altering pharmacy records; specifically, by adjusting inventory record as he diverted drugs.
 - f. Respondent also admitted diverting several other drugs, including alprazolam, diazepam, carisoprodol and temazepam, from the CVS pharmacy.
4. The Board finds that the evidence assembled during the investigation of Respondent supports the February 12, 2008 Statement of Charges against Respondent. The Board also finds that the duration (two and one half years) and extent (more than 9600 tablets) of Respondent's diversion establishes that he is habitually intoxicated and has violated provisions of Iowa Code Chapters 124 and 155A (2007), as well as the provisions of 657 Iowa Administrative Code § 36.1(4) 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 acknowledged his long term diversion of significant numbers of addictive controlled substances.
 - b. The amount of hydrocodone diverted by Respondent indicates that his drug usage is likely to overlap his hours of employment. The Board is concerned that Respondent may not be

capable of safely performing pharmacist functions, which require a clear, unimpaired mental state.

- c. To the extent Respondent's drug usage results in his being impaired while working, there is an immediate risk of public injury.
 - d. Although Respondent has been discharged from employment at the CVS Pharmacy in Davenport, Respondent is actively seeking other employment.
6. The Board finds that immediate, emergency action must be taken for the reason that if Respondent is allowed to resume work as a pharmacist, the public health, safety and welfare will be threatened by his condition; specifically, by Respondent's impairment due to habitual hydrocodone usage. Given this fact, the Board must act in the interest of the public to suspend Respondent's license to practice pharmacy until his addiction is treated and controlled.
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 apparent drug addiction, and his related violations of provisions of Iowa Code chapters 124 and 155A (2007), and 657 Iowa Administrative Code § 36.1(4), prevent Respondent from working safely as a pharmacist.

2. The provisions of Iowa Code § 17A.18A (2007) permit the Board 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:

- a. Pursuant to Iowa Code § 17A.18A, Iowa Code chapter 155A (2007) and 657 Iowa Administrative Code § 36.1(4)(d)(1), the pharmacist license of Bill Thomas Poulos is suspended indefinitely. This suspension is effective immediately upon issuance of this order.
- b. Respondent shall be notified of this order as provided in 657 Iowa Administrative Code 35.30(2).
- c. A hearing regarding this Emergency Adjudicative Order and the Statement of Charges against Respondent shall be held on March 5, 2008. The hearing will commence at 8:00 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 12th day of February 2008.



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

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF THE	)	CASE NO. 2008-7
STATEMENT OF CHARGES AGAINST:	)	DIA NO. 08PHB001
)	
BILL THOMAS POULOS,	)	FINDINGS OF FACT,
License No. 20076	)	CONCLUSIONS OF LAW,
	)	DECISION AND ORDER
RESPONDENT)	

TO: Bill Thomas Poulos

On February 12, 2008, the Iowa Board of Pharmacy (Board) found probable cause to file an Emergency Order, Statement of Charges and Notice of Hearing against Bill Thomas Poulos (Respondent), alleging the following violations:

Count I: Unlawful possession and use of prescription drugs, in violation of Iowa Code §§ 155A.12(1), 155A.21, and 155A.23 (2007), and 657 IAC 36.1(4)(j) and (u);

Count II: Violation of the laws relating to controlled substances, in violation of Iowa Code §§124.403(c), 155A.12(5)(2007) and 657 IAC 36.1(4)(h) and (j).

Count III: Inability to practice as a pharmacist with reasonable skill and safety by reason of chemical abuse, in violation of Iowa Code §155A.12(1)(2007) and 657 IAC 36.1(4)(d) and (m);

Count IV: Distribution of drugs for other than lawful purposes, in violation of Iowa Code §§ 155A.12(1), and 155A.23(14) (2007), and 657 IAC 36.1(4)(h); and

Count V: Lack of professional competency, in violation of §155A.12(1)(2007) and 657 IAC 36.1(4)(b), as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard of acceptable and prevailing practice of pharmacy in the state of Iowa as evidenced by Respondent's diversion and use of drugs, and falsification of controlled substance inventory records.

The hearing was held on July 29, 2008 at 1:00 p.m. The following members of the Board presided at the hearing: Leman Olson, Chairperson; Susan Frey; Vernon Benjamin; DeeAnn Wedemeyer

Oleson; Edward L. Maier; and Ann Diehl. Respondent Bill Poulos appeared and was self-represented. Assistant Attorney General Scott Galenbeck represented the state. The hearing was closed to the public at Respondent's request, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate their decision. The administrative law judge was instructed to prepare the Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

State Exhibit A: Statement of Charges, 2/12/08
State Exhibit B: Emergency Order, 2/12/08
State Exhibit C: Investigative Report, 1/7/08

Respondent Exhibit 1: Letter dated 7/29/08 (DeLange to Board)
Respondent Exhibit 2: Report from Treatment Center
Respondent Exhibit 3: Psychiatric Evaluation

FINDINGS OF FACT

1. On August 3, 2004, the Board issued pharmacist license no. 20076 to Respondent Bill Thomas Poulos, authorizing him to engage in the practice of pharmacy, subject to the laws of the state of Iowa and the rules of the Board. Respondent's license was summarily suspended by the Emergency Order of the Board issued on February 12, 2008. His license subsequently lapsed on June 30, 2008. At all times relevant to the Emergency Order and Statement of Charges, Respondent was employed as a pharmacist at CVS Pharmacy #8659, 1777 N. Division Street, Davenport, Iowa. (State Exhibits A, C; Testimony of Respondent).

2. On December 7, 2007, Respondent's employer filed an Initial Notification of Suspected Controlled Substance Theft or Significant Loss after detecting an unusual number of inventory adjustments on hydrocodone products. After the pharmacy installed three covert cameras in the pharmacy, Respondent and another employee were recorded diverting drugs within the pharmacy. (State Exhibit C)

3. Respondent was confronted and admitted in writing that he had diverted approximately 80 hydrocodone pills a week over a 2½ year period, for a total of 9600 hydrocodone tablets. Respondent also admitted diverting various quantities of alprazolam (40), diazepam (40), carisoprodol (50-60) and temazepam (10) during the same period of time. Respondent admitted taking all of the medications for his own personal use due to back pain.¹ (State Exhibit C-B)

At the hearing, Respondent testified that he initially took the hydrocodone for back and tooth pain, but readily admitted that he continued to take the drugs because he was addicted. Respondent altered the pharmacy's inventory control records in an effort to conceal his diversion from his employer. (Testimony of Respondent; State Exhibit C-B)

4. CVS terminated Respondent's employment on January 11, 2008. After his termination, Respondent went through drug detoxification at home for five days and then entered outpatient substance abuse treatment at Genesis Medical Center in Davenport, Iowa. Respondent successfully completed treatment on March 3, 2008. Respondent is currently attending aftercare once a week at Genesis. He is also attending a weekly Alcoholics Anonymous (AA) meeting and a weekly Caduceus meeting for impaired professionals. (Testimony of Respondent; Respondent Exhibit 2)

5. The Scott County attorney initially filed criminal charges against Respondent based on his theft of controlled substances from his employer, but the charges were later dismissed. (Testimony of Respondent; Respondent Exhibit 1)

6. Respondent has had a psychiatric evaluation and is currently under the care of a psychiatrist, who is treating Respondent for adjustment disorder with anxious mood. (Testimony of Respondent; Respondent Exhibit 3)

7. Respondent is participating in the Iowa Pharmacy Recovery Network (IPRN) program and has complied with the terms of his contract. He maintains good communication with his pharmacy advocate. (Testimony of Respondent; Bruce Alexander)

8. Respondent reports that he has been abstinent from drugs and alcohol since January 11, 2008. For the past three years, Respondent has lived with Allison Schebler, who is a resident

¹ Hydrocodone is a narcotic pain reliever. Alprazolom is an anti-anxiety medication. Carisoprodol is a muscle relaxant. (Testimony of Respondent)

physician. Ms. Schebler and her family provide social and emotional support to Respondent. Ms. Schebler testified that Respondent has been actively participating in his recovery program and has abstained from drug and alcohol use since January. (Testimony of Allison Schebler; Thomas Schebler)

CONCLUSIONS OF LAW

The Board is authorized to discipline pharmacists for any violations of the Iowa Pharmacy Practice Act. Iowa Code §155A.12(1)(2005). The Board charged Respondent with five counts: unlawful possession of prescription drugs, violation of controlled substances act, inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse, illegal distribution of drugs, and lack of professional competency based on his drug diversion, drug use, and falsification of controlled substances inventory records. Respondent did not contest any of the charges, and the preponderance of the evidence in the record established all five counts.

Iowa Code section 155A.21(2005) provides, in relevant part:

155A.21. Unlawful possession of prescription drug-penalty.

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 sections 124.403(1)(c) and 155A.23(1) prohibits persons from obtaining or attempting to obtain controlled drugs/prescription drugs by engaging in fraud, deceit, misrepresentation or subterfuge.

657 IAC 36.1(4) provides, in relevant part:

36.1(4) Grounds for discipline. The board may impose any of the disciplinary sanctions set out in rule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

...

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 licensee's or registrant's ability to practice with reasonable 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 124, 126, and 155A.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or nonprescription drugs.

...

m. Inability of a licensee or registrant to practice with reasonable skill and safety by reason of ...chemical abuse.

Respondent unlawfully possessed and used prescription drugs, in violation of Iowa Code sections 155A.12(1), 155A.21, 155A.23 (2007) and 657 IAC 36.1(4)"j." [Count I] Respondent has violated laws relating to controlled substances, in violation of Iowa Code section 124.403(c), 155A.12(5) and 657 IAC 36.1(4)(h) and (j). [Count II] Respondent's substantial and recent history of drug abuse and diversion strongly supports the conclusion that he is unable to practice pharmacy with reasonable skill and safety due to his chemical abuse, unless closely monitored to avoid relapse. Therefore Respondent is in violation of Iowa Code section 155A.12(1)(2007) and 657 IAC 36.1(4)(d and (m). [Count III]. In addition, Respondent was involved with the distribution of drugs for other than lawful purposes when he diverted drugs to himself in the absence of a prescription, in violation of Iowa Code section 155A.12(1)(2007) and 657 IAC 36.1(4)(h). [Count IV] Finally, Respondent demonstrated a lack of competency as demonstrated by willful and repeated departures from minimum standards of practice, in violation of Iowa Code section 155A.12(1) and 657 IAC 36.1(4)(b), when he diverted drugs, abused drugs, and falsified inventory records. [Count V]

II. Sanction

Respondent successfully completed outpatient chemical dependency treatment and is currently participating in the IPRN program. While Respondent has been very cooperative and appears to be in stable recovery from chemical abuse at this time, the Board has

serious concerns about his ability to return to a busy full-time pharmacy practice when he has only been sober for six months and has only recently completed treatment. However, based on a review of the entire record, the Board concluded that it is appropriate to lift the summary suspension of Respondent's pharmacy license, thereby allowing him to renew his lapsed license and resume the practice of pharmacy in the state of Iowa. If Respondent renews his license, it will be placed on probation for a period of five years, subject to the probation conditions outlined in this Decision and Order. These conditions are necessary to protect the public safety and welfare, as well as to assist Respondent in maintaining sobriety.

DECISION AND ORDER

IT IS THEREFORE ORDERED that upon submission of all necessary documentation for license renewal, including proof of continuing education and payment of appropriate fees, pharmacist license no. 20076, issued to Bill Thomas Poulos, shall be placed on probation for a period of five (5) years, subject to the following conditions:

1. Respondent shall completely abstain from the personal use of alcohol. Respondent shall completely abstain from the personal use of all controlled substances or drugs in any form unless prescribed by a duly licensed treating physician. Respondent shall advise any treating physician of his chemical dependency prior to accepting any prescription drug. Respondent shall have all of his prescriptions filled at a single pharmacy and shall report any use of controlled substances prescribed for him to the Board in his monthly reports.
2. Respondent shall participate in and shall fully comply with a Board approved urine screening program through First Lab. In addition, Respondent shall immediately submit a witnessed blood or urine sample whenever requested by the Board or its designee. All costs of biological fluid testing shall be borne by the Respondent.
3. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate and shall fully comply with all IPRN requirements.

4. Respondent shall attend structured recovery support group meetings, such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or the Caduceus meeting for professionals in recovery, at least two times a week. Respondent shall maintain documentation verifying his attendance at the required meetings and shall submit the documentation to the Board with his monthly written reports.

5. Respondent shall continue psychiatric care until discharged by his psychiatrist. Respondent's psychiatrist shall provide the Board with quarterly written reports concerning Respondent's progress in treatment. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Respondent's probation.

6. When employed as a pharmacist, Respondent shall not work alone. Respondent shall work a maximum of 3 eight-hour days each week. After four months of successfully working this reduced schedule, Respondent may petition the Board to allow additional work hours.

7. Respondent shall provide a copy of this Decision and Order to all prospective employers at the time of interview. Respondent shall provide his employer and the pharmacist-in-charge with a copy of this Decision and Order. Within 15 days of receipt of this Decision and Order and within 15 days of beginning any new employment, all employers and all pharmacists in charge shall sign a verification that they have read the Decision and Order and understand the terms, conditions and restrictions imposed on Respondent by this decision. These written verifications shall be provided to the Board when signed. Respondent's immediate supervisor shall provide quarterly written reports to the Board describing his work performance and attendance. The reports shall be filed no later than March 5, June 5, September 5, and December 5 of each year of Respondent's probation.

8. During the period of probation, Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor. Respondent shall not have an ownership interest in any pharmacy.

9. Respondent shall file written, sworn monthly reports with the Board attesting to his compliance with all the terms and conditions of his probation. The reports shall be filed no later than the 5th day of each month during each year of Respondent's probation. The monthly reports shall include Respondent's place of employment, current home address, home telephone number, or work telephone number, verification of AA/NA attendance, and any further information deemed necessary by the Board from time to time.

10. Respondent shall make personal appearances before the Board or a Board Committee upon request. Respondent shall be given reasonable notice of the date, time and location for such appearances.

11. 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.

12. Respondent shall release his medical records to the Board upon request, including all medical recordings pertaining to treatment for alcohol and substance abuse, if any, and shall sign all necessary releases of information 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.

13. Respondent shall obey all federal and state laws, rules, and regulations substantially related to prescription drugs, controlled substances, or nonprescription drugs; with Iowa Code chapters 124, 124A, 124B, 126, 147, 155A, and 205; and shall comply with the Board's rules.

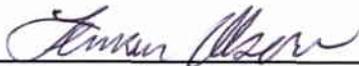
14. Should Respondent leave Iowa to reside or practice outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

15. Should Respondent violate or fail to comply with any of the terms and conditions of probation, the Board may initiate action to revoke or suspend Respondent's Iowa

pharmacist license or to impose other discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board may bill Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 7th day of October, 2008.



Leman Olson, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General

This final decision of the Board can be appealed in accordance with the Iowa administrative procedures Act.

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

Re:	)	Case No. 2008-7
Pharmacist License of	)	AMENDED
BILL THOMAS POULOS	)	FINDINGS OF FACT,
License No. 20076	)	CONCLUSIONS OF LAW,
Respondent.	)	DECISION AND ORDER

COMES NOW, Leman E. Olson, Chairperson of the Iowa Board of Pharmacy,
on the 25th day of November, 2008, and declares that:

1. On February 12, 2008, Respondent's Iowa pharmacist license number 20076 was placed on indefinite suspension pursuant to the terms of an Emergency Order and Statement of Charges approved by the Board on February 12, 2008.
2. On July 29, 2008, Respondent appeared before the Board at an Administrative Hearing pursuant to 657 I.A.C. 36.7.
3. On October 7, 2008, the Board approved the Findings of Fact, Conclusions of Law, Decision and Order (Decision and Order). Based on the testimony and evidence presented at the Administrative Hearing, the Board concluded that the basis for the indefinite suspension of the Respondent's pharmacist license no longer existed and that it was in the public interest to allow his license to be reinstated with conditions, including Respondent shall work a maximum of 3 eight-hour days each week. After four months of successfully working this reduced schedule, Respondent could petition the Board to allow additional work hours.
4. On November 19, 2008, Respondent appeared before the Board to request modifications to the terms of the Decision and Order, specifically removal of the 3 eight-hour days each week. The Board denied Respondent's request.
5. On November 25, 2008, Respondent asked the Board to reconsider their November 19 decision.

WHEREFORE, following deliberation by the Board, it is hereby ordered that Respondent's pharmacist license number 20076 shall be amended, subject to the following terms and conditions:

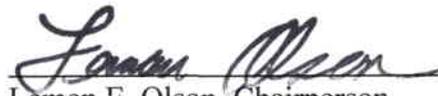
1. When employed as a pharmacist, Respondent shall not work alone. Respondent shall work a maximum of 40 hours per week. After four months of successfully working this schedule, Respondent may petition the Board to allow additional work hours.

2. Respondent shall see his physician, William N. Nissen, M.D. monthly and continue to comply with all recommendations of Dr. Nissen. Respondent shall cause his physician, Dr. Nissen, to submit written monthly medical reports to the Board which describe his current health status, recommendations, and a list of Respondent's current medications. The reports shall be filed no later than the 5th day of the month, with the first report due on or before January 5, 2009.
3. In the event that Dr. Nissen ceases to be Respondent's physician, Respondent shall submit to the Board in writing the name and address of his new physician within 15 days of such occurrence for Board approval.
4. Respondent shall completely abstain from the personal use of alcohol. Respondent shall completely abstain from the personal use of all controlled substances or drugs in any form unless prescribed by a duly licensed treating physician. Respondent shall advise any treating physician of his chemical dependency prior to accepting any prescription drug. Respondent shall have all of his prescriptions filled at a single pharmacy and shall report any use of controlled substances prescribed for him to the Board in his monthly reports.
5. Respondent shall participate in and shall fully comply with a Board approved urine screening program through First Lab. In addition, Respondent shall immediately submit a witnessed blood or urine sample whenever requested by the Board or its designee. All costs of biological fluid testing shall be borne by the Respondent.
6. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of an IPRN advocate and shall fully comply with all IPRN requirements.
7. Respondent shall attend structured recovery support group meetings, such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or the Caduceus meeting for professionals in recovery, at least two times a week. Respondent shall maintain documentation verifying his attendance at the required meetings and shall submit the documentation to the Board with his monthly written reports.
8. Respondent shall provide a copy of this Decision and Order to all prospective employers at the time of interview. Respondent shall provide his employer and the pharmacist-in-charge with a copy of this Decision and Order. Within 15 days of receipt of this Decision and Order and within 15 days of beginning any new employment, all employers and all pharmacists in charge shall sign a verification that they have read the Decision and Order and understand the terms, conditions and restrictions imposed on Respondent by this decision. These written verifications shall be provided to the Board when signed. Respondent's immediate supervisor shall provide monthly written reports to the Board describing his work performance and attendance. The reports shall be filed no later than 5th day of each month of Respondent's probation.
9. During the period of probation, Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor. Respondent shall not have an ownership interest in any pharmacy.
10. Respondent shall file written, sworn monthly reports with the Board attesting to his compliance with all the terms and conditions of his probation. The reports shall be filed no later than the 5th day of each month during each year of

Respondent's probation. The monthly reports shall include Respondent's place of employment, current home address, home telephone number, or work telephone number, verification of AA/NA attendance, and any further information deemed necessary by the Board from time to time.

11. Respondent shall make personal appearances before the Board or a Board Committee upon request. Respondent shall be given reasonable notice of the date, time and location for such appearances.
12. 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.
13. Respondent shall release his medical records to the Board upon request, including all medical recordings pertaining to treatment for alcohol and substance abuse, if any, and shall sign all necessary releases of information 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.
14. Respondent shall obey all federal and state laws, rules, and regulations substantially related to prescription drugs, controlled substances, or nonprescription drugs; with Iowa Code chapters 124, 124A, 124B, 126, 147, 155A, and 205; and shall comply with the Board's rules.
15. Should Respondent leave Iowa to reside or practice outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
16. Should Respondent violate or fail to comply with any of the terms and conditions of probation, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

DATED this 15th day of December, 2008.



Leman E. Olson, 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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