

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

Re:)
Pharmacist License of)
EDWARD F. SARRAZIN) **STATEMENT OF CHARGES**
License No. 15076)
Respondent)

COMES NOW, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On July 1, 1977, Edward F. Sarrazin, the Respondent, was issued license number 15076 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15076 is current and active until June 30, 1997.
5. Respondent currently resides at 705 Tenth Avenue, Coralville, Iowa 52241.
6. Respondent is currently employed as a pharmacist by the pharmacy department of the University of Iowa Hospitals and Clinics in Iowa City, Iowa.

COUNT I

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(3), 155A.12(4), and 155A.12(5) (1995) and 657 Iowa Administrative Code Sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u) with habitual intoxication and addiction to the use of drugs.

COUNT II

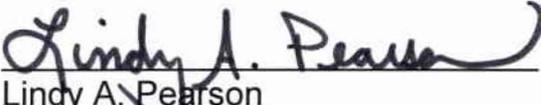
The Respondent is charged under Iowa Code Sections 124.308(4), 124.402(1), and 124.403(1)(c) (1995) with unlawful use and possession of a Schedule V controlled substance.

THE CIRCUMSTANCES

1. On August 29, 1996, Respondent admitted that he had obtained, for his own personal use, an indeterminate amount of Phenergan with Codeine Syrup, a Schedule V controlled substance, from the pharmacy department of the University of Iowa over approximately a one-year period.

2. Respondent allegedly obtained this indeterminate amount of Phenergan with Codeine Syrup from the pharmacy department of the University of Iowa without prescriber authorization.

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.


Lindy A. Pearson
Chief Investigator

On this 16th of September, 1996, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Phyllis A. Olson, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

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

Re: Pharmacist License of
EDWARD F. SARRAZIN
License No. 15076
Respondent

**STIPULATION
AND
INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Edward F. Sarrazin, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1995), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 1st day of July, 1977, by examination, as evidenced by license number 15076, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 15076 issued to and held by Respondent is current until June 30, 1997.
3. Respondent is currently employed as a pharmacist by the pharmacy department of the University of Iowa Hospitals and Clinics in Iowa City, Iowa.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on September 16, 1996.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. Upon the date of the Board's approval of this Stipulation and Informal Settlement, Respondent's license to practice pharmacy is suspended for a period of one (1) year. During the period of license suspension, Respondent shall comply with the following restrictions, limitations and conditions:

a. Respondent shall not function or serve as a pharmacist, pharmacy technician, pharmacy assistant, or pharmacy clerk in any pharmacy or any other location.

b. Respondent shall not represent himself to be a pharmacist nor in any way cause other persons to view him as a pharmacist.

c. Respondent shall not provide drug or medical information to the public or to other health professionals and shall not provide any other cognitive service related to or involving patient care.

7. Following the completion of the one-year license suspension, Respondent's pharmacist license shall be placed on probation for a period of five (5) years 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 history of chemical dependency.

c. 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.

d. Respondent shall comply with all treatment recommendations of his treatment program and his physician, addictionist, and counselor. The treatment program

shall submit quarterly reports to the board documenting the Respondent's compliance with the program.

e. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Informal Settlement. 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 address, and any further information deemed necessary by the Board from time to time. Respondent's first quarterly report shall be filed with the Board not later than March 5, 1997.

f. Respondent shall attend at least one (1) aftercare meeting weekly and/or one (1) Alcoholics Anonymous (AA) meeting weekly. Respondent's participation in other group sessions or meetings shall be pre-approved by the Board. The Respondent shall append to each quarterly report referred to in subparagraph 7-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.

g. 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 any such appearances.

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

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

j. Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.

k. Respondent shall not be an owner of a pharmacy nor serve as the pharmacist in charge of a pharmacy.

l. Respondent shall actively participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.

m. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Informal Settlement by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

8. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Informal Settlement. However, evidence that the Respondent has failed to abide by the terms of subparagraphs 7-a or 7-b of this Informal Settlement while outside the state shall constitute a violation of this Informal Settlement.

9. Should Respondent violate or fail to comply with any of the terms of conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657 IAC 9.1.

10. Upon full compliance with the terms and conditions of this Stipulation and Informal Settlement and upon expiration of the period of probation, the Respondent's Iowa pharmacist license shall be restored to its full privileges free and clear of the terms of probation.

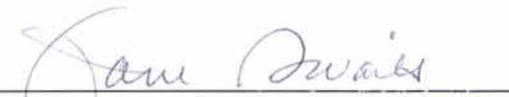
11. This Stipulation and Informal Settlement is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

12. The Board's approval of this Stipulation and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

13. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 13 day of NOVEMBER, 1996.


EDWARD F. SARRAZIN, R.Ph.
Respondent

Subscribed and Sworn to before me on this 13 day of November, 1996.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

14. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 20th day of November, 1996.


PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319



THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

BOARD OF PHARMACY EXAMINERS
LLOYD K. JESSEN, EXECUTIVE SECRETARY/DIRECTOR

February 23, 1999

Edward Sarrazin, R.Ph.
4195 Meade Place, S.W.
Iowa City, Iowa 52240

Dear Ed:

I am writing in response to your letter dated December 2, 1998, concerning the terms of your probation. Your request for permission to serve as a preceptor for pharmacy students was considered by the Board on February 3, 1999. The Board granted your request.

***MODIFICATION OF
STIPULATION AND INFORMAL SETTLEMENT***

Effective February 3, 1999, the Iowa Board of Pharmacy Examiners modified the terms of Edward F. Sarrazin's probation by eliminating paragraph 6(j) on page 3, thereby allowing him to supervise registered pharmacist-interns in Iowa and to perform the duties of a pharmacy preceptor.

If you have any questions concerning this action, please contact me. Thank you.

Sincerely yours,

Lloyd K. Jessen
Executive Secretary/Director
IOWA BOARD OF PHARMACY EXAMINERS

cc: Lindy Pearson, Chief Investigator

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2013-214
Pharmacist License)	
ED SARRAZIN)	NOTICE OF HEARING
License No. 15076,)	& STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacist license number 15076. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 29, 2014, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon session, beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2013) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I

UNETHICAL CONDUCT OR

PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.1(4)(c).

Count II

UNLAWFUL POSSESSION AND DISTRIBUTION OF DRUGS

Respondent is charged with the unlawful possession and distribution of drugs—specifically, controlled substances—for other than lawful purposes in violation of Iowa Code section 155A.12(1), (5) and 657 Iowa Administrative Code rule 36.1(4)(h).

D. FACTUAL CIRCUMSTANCES

1. Respondent is an Iowa-licensed pharmacist previously employed at the University of Iowa Hospitals and Clinics and as a fill-in pharmacist at Miller's Medicine Cabinet.
2. UIHC's Loss Prevention Officer reviewed surveillance video revealing the Respondent diverting controlled substances after receiving a tip from a technician.

3. Respondent was further observed licking the syringe used to withdraw the controlled substance liquid and placing it back in the stock bottle. This syringe was later used to withdraw additional controlled substances from other bulk bottles.
4. The Respondent admitted to diverting morphine and oxycodone liquids for his own use for the past year.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this the 12th day of March, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

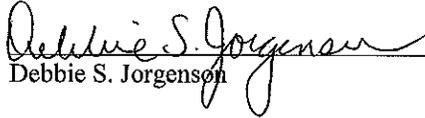
Thomas J. Whorley
WOLFF WHORLEY DE HOOGH & SCHREURS PLLC
934 Third Avenue, Suite 200
P.O. Box 309
Sheldon, IA 51201-0309
ATTORNEY FOR RESPONDENT

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703239553384</u> | <input type="checkbox"/> other _____ |
| on the <u>13th</u> day of <u>March</u> , 2014. | |

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-214
Pharmacist License of)	
ED SARRAZIN)	SETTLEMENT AGREEMENT AND
License No. 15076)	FINAL ORDER
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and Ed Sarrazin ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent holds Iowa pharmacist license number 15076, which is currently active and expires on June 30, 2017.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on March 12, 2014. Prior to the issuance of the Statement of Charges, Respondent voluntarily ceased practice. Respondent has not practiced pharmacy during the pendency of the Statement of Charges. Additionally, Respondent has voluntarily undergo addiction treatment, including active participation in Iowa Pharmacist Recovery Network, and submitted quarterly reports to the Board detailing his progress.
4. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order. As a point of clarification, however, the parties acknowledge (1) that Respondent distributed controlled substances solely to himself— Respondent did not distribute to others, and (2) at no time was Respondent represented by attorney Tom Whorley. Mr. Whorley was inadvertently copied on the Statement of Charges.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.

8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
10. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
11. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.
12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Due to the unique facts and circumstances of this case, namely Respondent's voluntary secession of practice and extensive and ongoing treatment efforts, the Respondent's license shall be placed on **PROBATION**, subject to the following terms and conditions:
 - a. The period of probation shall be five (5) years. Only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. "Employed as a pharmacist" means working at least twenty hours per month as a pharmacist.
 - b. Respondent shall not possess or 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 his medical history, including any history of chemical dependence.
 - c. Respondent shall provide witnessed blood, hair, or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and drug screening, and to verify Respondent's continued compliance with this Settlement Agreement and Final Order and any drug therapy ordered by Respondent's physician or treatment provider. All costs related to the analysis of such specimens shall be paid by Respondent.
 - d. To facilitate performance of the preceding paragraph, Respondent shall report daily to and provide a specimen when requested to any healthcare provider/testing facility specified by the Board—said healthcare provider to be located in reasonable proximity to Respondent—on the same day that the Board provides notice that a specimen is

required. Respondent agrees to cooperate with the Board in establishing a specimen testing program through the Board's chosen testing program, and hereby consents to disclosure to the Board, by the testing facility, of all medical information, including test results, generated by Respondent's contact with the facility.

- e. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.
- f. Respondent shall report to the Board quarterly, in writing. The report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Settlement Agreement and Final Order*, by date, and any further information deemed necessary by the Board from time to time.
- g. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Settlement Agreement and Final Order.
- h. Within thirty (30) days after approval of this Settlement Agreement and Final Order by the Board, or within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer, and any pharmacist-in-charge 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.
- i. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for appearances.
- j. Respondent shall obey all federal and state law, rules, and regulations related to the practice of pharmacy as well as any lawfully issued Board orders, including this Settlement Agreement and Final Order.
- k. Respondent shall promptly provide, upon request of an agent of the Board, copies of or access to all his medical records.
- l. Respondent shall comply with treatment recommendations by his physician or treatment provider. In the event Respondent is participating in a substance abuse treatment program, Respondent's physician/treatment provider shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.
- m. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- n. Respondent shall not serve as a pharmacist-in-charge.

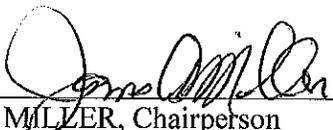
- o. Respondent shall continue to participate in IPRN.
- p. Should Respondent violate or fail to comply with any of the terms and conditions of probation, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or impose other licensee discipline as authorized by Iowa Code chapter 155A and 272C and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11 day of January, 2016.



ED SARRAZIN
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 12th day of January, 2016.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319