

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

Re:)
Pharmacist License of)
STEPHEN M. SCOTT) **STATEMENT OF CHARGES**
License No. 18067)
Respondent)

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 (1997).

3. On July 23, 1993, Stephen M. Scott, the Respondent, was issued license number 18067 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 18067 is current and active until June 30, 1999.

5. Respondent currently resides at 504 Walnut, Tipton, Iowa 52772.

6. Respondent was employed as the pharmacist in charge of the Davis County Hospital Pharmacy in Bloomfield, Iowa.

COUNT I

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of illness and addiction to the use of drugs in violation of 1997 Iowa Code §§ 147.55(4) and 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(d), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u).

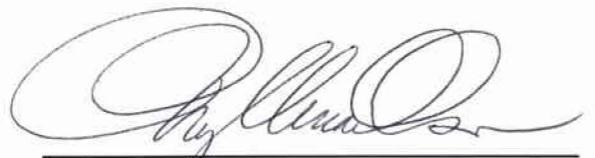
THE CIRCUMSTANCES

On January 6, 1998, the Respondent contacted the Board's executive secretary/director to report that he had attempted to commit suicide by ingesting an overdose of desipramine on January 1, 1998. On January 6, 1998, Respondent admitted to Board investigators that he has ingested controlled substances without prescriber authorization and that he has a history of chemical dependency. Information provided by Respondent and others indicates that Respondent's illness and chemical dependency have impaired his ability to practice pharmacy with reasonable skill and safety.

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 3rd day of February, 1998, 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
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

6. Upon the date of the Board's approval of this Stipulation and Informal Settlement, Respondent's license to practice pharmacy shall be suspended indefinitely. Respondent agrees to submit to a medical and substance abuse evaluation by a physician or treatment provider approved by the Board. Upon receipt of a written report from the physician or treatment provider which recommends that Respondent is ready to return to the practice of pharmacy, the license suspension shall end and Respondent's 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 medical history, including 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 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.

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 June 5, 1998.

f. Respondent shall attend at least one (1) aftercare meeting weekly and/or one (1) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meeting weekly or as recommended by Respondent's physician or treatment provider. 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 6-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 unless and until the Board receives a written report from Respondent's physician which indicates that Respondent is capable of serving as a pharmacist in charge or as an owner of a pharmacy.

l. Respondent shall 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.

7. 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 6-a, 6-b, or 6-d of this Informal Settlement while outside the state shall constitute a violation of this Informal Settlement.

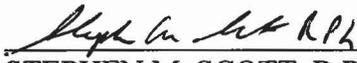
8. Should Respondent violate or fail to comply with any of the terms of conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657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

9. 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.

10. 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.

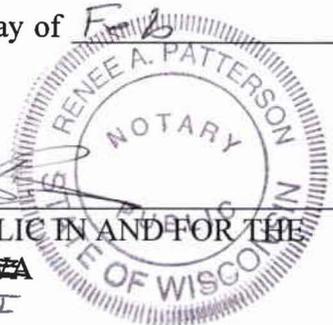
11. The Board's approval of this Stipulation and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

12. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 24 day of February, 1998.


STEPHEN M. SCOTT, R.Ph.
Respondent

Subscribed and Sworn to before me on this 24 day of Feb, 1998.


NOTARY PUBLIC IN AND FOR THE
STATE OF ~~IOWA~~
WI



13. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 3rd day of March, 1998.


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

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2014-156
Pharmacist License of)	
STEPHEN SCOTT)	NOTICE OF HEARING AND
License No. 18067)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Stephen Scott ("Respondent"), 423 W. 9th Street, Tipton, Iowa 52772, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2013). Respondent's Iowa pharmacist license number 18067 is currently active and expires on June 30, 2015.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on March 10, 2015, before the Board. The hearing shall be held in 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 pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not

contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 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 147, 155A, and 272C and under 657 IAC 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 IAC 35.21.

C. CHARGES

Count I

UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE

Respondent is charged with unlawful possession of a controlled substance in violation of Iowa Code section 124.401(5), pursuant to Iowa Code section 155A.12(5), and 657 IAC 36.1(4)"j".

Count II

UNETHICAL CONDUCT

Respondent is charged with engaging in unethical conduct, pursuant to Iowa Code sections 147.55(3), 155A.12(2), and (3), and 657 IAC 36.1(4)"c".

Count III

ADDICTION TO DRUGS

Respondent is charged with addiction to the use of drugs, pursuant to Iowa Code sections 147.55(4) and 155A.12(3), and 657 IAC 36.1(4)"d".

D. FACTUAL CIRCUMSTANCES

1. Respondent admitted to diverting controlled substances, specifically hydrocodone and oxycodone products, for approximately two years from the pharmacy where he was employed as pharmacist-in-charge.
2. Respondent admits to being addicted to the painkillers he diverted.
3. Respondent has prior discipline from the Board for similar conduct.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 6th day of January, 2015, 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 Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

PROOF OF SERVICE

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703106755842</u> | <input type="checkbox"/> other _____ |

on the 7th day of January, 2015.

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. 2014-156
Pharmacist License of)	
STEPHEN SCOTT)	SETTLEMENT AGREEMENT
License No. 18067)	AND FINAL ORDER
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Stephen Scott ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case pending before the Board.

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

1. Respondent's license #18067 is currently active and expires on June 30, 2015.
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 January 6, 2015.
4. Respondent admits the allegations contained 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.
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 National Practitioner Databank, 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. Respondent's license shall be **INDEFINITELY SUSPENDED**. Respondent shall not be permitted to apply for reinstatement of his pharmacist license until all of the following conditions have been satisfied:
 - a. A minimum of one year has passed from the date of the Board's approval of this Agreement.
 - b. Respondent obtains a complete mental health and substance abuse evaluation from a treatment provider pre-approved by the Board. It is Respondent's responsibility to seek prior approval of the evaluator, ensure the Board is notified at least five days prior to the evaluation, and ensure that the Board's disciplinary file, including Board orders and investigative reports, are provided to the evaluator prior to the evaluation. Failure to comply with any of these requirements automatically renders the evaluation noncompliant. Respondent will not be permitted to seek reinstatement based upon a noncompliant evaluation.
 - c. Respondent delivers to the Board a current, comprehensive, and fully documented mental health and substance abuse evaluation of Respondent performed in accordance with the preceding paragraph "b". The evaluation must conclude the Respondent is fit to practice pharmacy. Any conclusion that Respondent is fit to return to the practice of pharmacy must include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting. The evaluation must include any recommendations for treatment.
 - d. Respondent permits the Board to have complete access to Respondent's medical records, including records of substance abuse treatment, as necessary to fully evaluate Respondent's reinstatement request.
15. At such time as Respondent satisfies all of the requirements set forth in paragraph 14, Respondent may petition the Board for reinstatement of Respondent's license and commencement of a period of probation. Reinstatement of Respondent's license shall be at the discretion of the Board.

16. In the event the Board determines that Respondent's license should be reinstated, Respondent's license to practice pharmacy shall be placed on **PROBATION** for a period of five (5) years. The terms of probation include the following:
- a. Respondent must be employed as a pharmacist for a minimum of forty (40) hours per month for at least thirty (30) months of the probationary term. If Respondent cannot satisfy this requirement, the probationary period will extend beyond five (5) years until such time as Respondent can satisfy this requirement.
 - 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 health care provider. Respondent shall inform all treating physicians and other health care providers of his medical history, including all history of chemical dependency. Respondent shall provide the Board a copy of this notification upon request.
 - c. Respondent shall provide witnessed blood, hair, or urine specimens on demand by the Board or its agents. Respondent shall provide such witnessed blood, hair, or urine specimens within the timeframe specified on the day of notice from the Board or the Board's chemical screening program requesting that Respondent provide a specimen. The specimens shall be used for alcohol and drug screening to verify Respondent's compliance with this Agreement. All costs related to the analysis of such specimens shall be paid by Respondent.
 - d. To facilitate the preceding paragraph "c", Respondent shall participate in the Board's chemical screening program. Respondent shall complete enrollment in the Board's chemical screening program within thirty (30) days of the date his license is placed on probation. Respondent agrees to comply with all requirements of the chemical screening program and shall be responsible for all costs associated with the program. Respondent consents to disclosure to the Board, by the chemical screening program, of all medical information, including test results, generated by Respondent's contact with the chemical screening program.
 - e. Respondent must comply with all treatment recommendations in the evaluation described in paragraph 14"c". Respondent's treatment providers shall submit quarterly reports to the Board documenting Respondent's compliance with treatment for the duration of the treatment. Said quarterly reports are due on March 1, June 1, September 1, and December 1 of each calendar year Respondent is undergoing treatment. Treatment providers shall indicate in the report if treatment is completed and indicate that no further quarterly reports will be submitted as a result.
 - f. Respondent permits the Board to have complete access to Respondent's medical records, including records of substance abuse treatment, as necessary to fully evaluate Respondent's compliance with probationary terms.

- g. Respondent shall participate in the Iowa Recovery Network (IPRN) program under the direct support of a pharmacist advocate. Respondent shall comply with all requirements of the IPRN program.
- h. Respondent shall not serve as a pharmacist-in-charge while on probation. Respondent shall not supervise any registered pharmacist-interns or perform any duties of a pharmacy preceptor while on probation.
- i. 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 imposed on Respondent by this Agreement. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer/s, and any pharmacist-in-charge he works under, to send to the Board a written acknowledgment that the employer and pharmacist-in-charge have read this document and understand the terms.
- j. Respondent shall appear before the Board upon request, 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 such appearances.
- k. Respondent shall inform the Board, in writing, of any change of home address, telephone number, or place of employment within ten (10) days of such a change.
- l. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
- m. Respondent understands the Board may impose other terms as a condition of reinstatement Respondent's license.
- n. Respondent shall submit written quarterly reports to the Board, said reports being due on March 1, June 1, September 1, and December 1 during each calendar year of the probationary period. Each quarterly report shall include Respondent's place of employment, current address, Respondent's most recent efforts to implement the provisions of this Agreement (by date), and any further information requested by the Board.

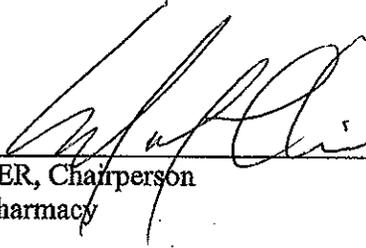
17. Should Respondent violate the terms of this Agreement, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 19 day of February, 2015.



 STEPHEN SCOTT
 Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 10th day of March, 2015.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE