

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

Re:	)	Case No. 2009-95
Pharmacist License of	)	
<b>WARREN L. STEINBRUECK</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 17705,	)	
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 (2009).
3. On August 13, 1991, the Board issued Respondent, by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 17705, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license has expired.
5. Respondent's most recent address of record is 401 Lee Drive, LeMars, IA 51031.
6. Respondent was formerly employed as a pharmacist at a Hy-Vee Pharmacy, 2728 Hamilton Boulevard, Sioux City, Iowa.

**A. CHARGES**

COUNT I – UNABLE TO PRACTICE DUE TO ADDICTION

The Respondent is charged, pursuant to Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(d)(2), with an inability to practice with reasonable skill and safety by reason of addiction to drugs.

## COUNT II – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

The Respondent is charged, pursuant to Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(d)(2), with an inability to practice with reasonable skill and safety due to chemical abuse.

### B. CIRCUMSTANCES

An investigation was commenced on July 23, 2009 which revealed:

1. Respondent's pharmacist license was due to be renewed by July 1, 2009. Respondent has not renewed his license.
2. Respondent was employed as a pharmacist at a Hy-Vee Pharmacy in Sioux City, however in mid-July 2009, Respondent's employment was terminated because he failed to renew his license.
3. On July 13, 2009 Respondent was arrested and subsequently charged with driving a vehicle while intoxicated, possession of drug paraphernalia and possession of a controlled substance (methamphetamine). Those charges remain pending.
4. The arrest occurred after a Plymouth County Deputy Sheriff found Respondent sitting in a parked truck, on a county road at 10:15 pm on July 13, 2009. Respondent, who was not wearing clothing below the waist, consented to a search of his truck, which contained methamphetamine crystals and paraphernalia. Respondent admitted to smoking methamphetamine after getting off work at 6:00 pm that day, and being under the influence of methamphetamine at the time of his arrest.

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 22<sup>nd</sup> day of Sept. 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON BENJAMIN, 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 IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2009-95
Pharmacist License of	)	
<b>WARREN L. STEINBRUECK</b>	)	<b>STIPULATION</b>
License No. 17705	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, "Board") and Warren L. Steinbrueck (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 was issued a license to practice pharmacy in Iowa on August 13, 1991, by reciprocity, as evidenced by Pharmacist License Number 17705, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent has expired.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist at Hy-Vee Pharmacy, 2728 Hamilton Boulevard, Sioux City, Iowa.
4. A Statement of Charges was filed against Respondent by the Board on September 22, 2009.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to contest the allegations set forth in the Statement of

Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be suspended indefinitely. Suspension of Respondent's license may be terminated only at such time as Respondent:

a. Obtains a complete physical and mental health evaluation – including a substance abuse evaluation – from a physician/treatment provider approved in advance by the Board.

b. Delivers to the Board a written, fully documented and current physical and mental health evaluation – including a substance abuse evaluation – of Respondent which concludes that Respondent is mentally and physically fit to practice pharmacy. Any conclusion that the Respondent is fit to return to *the practice of pharmacy* will include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting.

c. Permits the Board complete access to Respondent's medical records, including records of substance abuse evaluation and treatment.

8. At such time as Respondent is able to deliver to the Board a written, fully documented and current physical and mental health evaluation, including a substance abuse evaluation, which concludes that Respondent is mentally and physically fit to *practice pharmacy*, Respondent may petition the Board for (a) termination of the suspension of Respondent's license and (b) commencement of a period of probation.

9. In the event the Board determines that Respondent's license suspension should be

terminated, Respondent's license to practice pharmacy shall be placed on probation on terms which shall include, but not be limited to, the following:

- a. Respondent agrees to comply with the terms of probation.
- b. The period of probation shall be five (5) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
- c. During probation, 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.
- d. During probation, 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 Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.
- e. Respondent shall notify all present 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 Stipulation and Consent Order.
- f. 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, 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.

g. Respondent shall not serve as a pharmacist in charge, supervise registered pharmacist-interns or perform any of the duties of a pharmacy preceptor.

h. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

i. 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 dependency.

j. 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 compliance with this Stipulation and Consent 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.

k. To facilitate performance of the preceding paragraph, Respondent shall report to and provide a specimen to any healthcare provider specified by the Board – said healthcare provider to be located in reasonable proximity to Respondent – within 24 hours after notice from the Board requesting that Respondent provide a

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

l. Respondent shall provide, upon request of an agent of the Board, copies of or access to all his medical records.

m. If, as a result of the physical and mental health examinations of Respondent, Respondent's physician/treatment provider recommends a substance abuse treatment program, Respondent shall comply with such recommendations. 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.

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

o. 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 the appearances.

p. Such other reasonable terms as the Board may wish to impose as a result of (i) findings that Respondent is chemically dependant, (ii) the length of time Respondent's license is suspended pursuant to paragraph 7 above or (iii) the amount or nature of chemical dependency treatment Respondent must participate

in as directed by his physician/treatment provider.

10. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.

11. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, 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.

12. The State's legal counsel may present this Stipulation and Consent Order to the Board.

13. This Stipulation and Consent Order 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

14. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 27 day of September 2010.

  
WARREN L. STEINBRUECK, R.Ph.  
Respondent

Subscribed and sworn to before me by Warren L. Steinbrueck on this 27<sup>th</sup> day of September 2010.



Stacey Feldman  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the <sup>3rd</sup>~~27th~~ day of September 2010.  
November

Vernon H. Benjamin Chairperson  
VERNON H. BENJAMIN, Chairperson  
Iowa Board of Pharmacy  
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Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
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