

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

Re:)	Case No. 2003-11
Controlled Substances Registration of)	
DEBORAH Y. STRAUSS)	ORDER TO SHOW CAUSE
Registration No. 1511175)	
Respondent)	

**TO: Deborah Y. Strauss
Whitehawk Veterinary Clinic
208 First Avenue South
Mt. Vernon, Iowa 52314**

NOTICE: Pursuant to the provisions of Iowa Code chapter 124 (2003) and 657 Iowa Administrative Code 10.12(5), you are hereby ordered to appear before the Iowa Board of Pharmacy Examiners and show cause why controlled substance registration number 1511157, issued to Deborah Y. Strauss, should not be suspended or revoked. IF YOU DESIRE A HEARING REGARDING SUSPENSION OR REVOCATION OF THIS CONTROLLED SUBSTANCE REGISTRATION, YOU MUST FILE A REQUEST FOR A HEARING BEFORE THE BOARD WITHIN THIRTY (30) DAYS OF ISSUANCE OF THIS ORDER.

I. JURISDICTION

Pursuant to Iowa Code Chapter 124 (2003) and 657 Iowa Administrative Code § 10.12(5), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") has jurisdiction over those who manufacture, distribute and dispense controlled substances in Iowa. On February 19, 2003, the Board issued Deborah Y. Strauss (hereinafter, "Respondent") controlled substance registration number 1511157, subject to the laws of the State of Iowa and the rules of the Board. Respondent has been employed as a veterinarian at Whitehawk Veterinary Clinic, 208 First Avenue South, Mt. Vernon, Iowa 52314, at all times material to these proceedings.

II. BASIS FOR ORDER TO SHOW CAUSE

On or about February 5, 2003, the Board commenced an investigation of Respondent which revealed the following:

1. During the past 13 months, Respondent wrote 176 prescriptions for a controlled substance, Demerol, which were filled by a single pharmacy. Of the 176 prescriptions, 39 were allegedly written for animals owned by Respondent. During the same period, the Whitehawk Veterinary Clinic purchased over 2000 syringes.

2. Owners of animals treated by Respondent believe their animals were not administered the Demerol purportedly prescribed for the animals. Evidence suggests, instead, that Respondent has been personally using controlled substances (Demerol and Valium) which were obtained for use in her veterinary medicine practice.

3. Records regarding the dispensing of controlled substances, required to be maintained by a controlled substance registrant, are not maintained by Respondent. Inventories of controlled substances held by Respondent, required to be taken not less often than every two years, have not been taken.

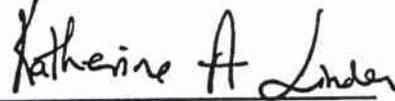
4. Out-of-date controlled substances, located at the Whitehawk Clinic, have not been properly disposed of.

III. ORDER

Respondent-Deborah Y. Strauss is hereby ordered to appear before the Iowa Board of Pharmacy Examiners and show cause why controlled substance registration number 1511157,

issued in her name, should not be suspended or revoked. If Respondent wishes to have a hearing before the Board in response to this Order, Respondent must notify the Board within 30 days of the date of this Order. Respondent's request for a hearing should be directed to Lloyd Jessen, Executive Secretary/Director, Iowa Board of Pharmacy Examiners, 400 Southwest Eighth Street, Suite E, Des Moines, Iowa 50309-4688. The Board telephone number is (515) 281-5944.

IT IS SO ORDERED THIS 23 day of April 2003.



Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
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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**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2003-11
Controlled Substance Registration of:)	
DEBORAH Y. STRAUSS)	ORDER OF IMMEDIATE
Registration No. 1511157)	SUSPENSION OF CONTROLLED
Respondent)	SUBSTANCE REGISTRATION

**TO: Deborah Y. Strauss
Whitehawk Veterinary Clinic
208 First Avenue South
Mt. Vernon, Iowa 52314**

**NOTICE: CONTROLLED SUBSTANCE REGISTRATION NUMBER 1511157 IS
SUSPENDED, EFFECTIVE IMMEDIATELY.**

I. JURISDICTION

The Iowa Board of Pharmacy Examiners (hereinafter, "Board") has jurisdiction over those who manufacture, distribute and dispense controlled substances pursuant to Iowa Code Chapters 124 (2003) and 657 Iowa Administrative Code § 10.12. Emergency adjudicative actions by the Board are authorized by Iowa Code § 17A.18A and chapter 124 (2003), and 657 Iowa Administrative Code § 10.12(9). Respondent Deborah Y. Strauss possesses controlled substance registration number 1511157, issued by the Board on February 19, 2003.

II. FINDINGS OF FACT

An Order to Show Cause was filed on May 9, 2003, regarding Respondent-Deborah Y. Strauss and controlled substances registration number 1511157, issued to Respondent. After receipt and review of evidence relating to Respondent's use of controlled substance registration number 1511157, the Board adopts the following findings of fact:

1. On February 19, 2003, the Board issued registration number 1511157 to Respondent, permitting Respondent to dispense controlled substances, subject to the laws of the State of Iowa and the rules of the Board.
2. Respondent's registration is current and active until February 28, 2005.
3. Respondent is a veterinarian employed at the Whitehawk Veterinary Clinic, 208 First Avenue South, Mt. Vernon, Iowa 52314.
4. On February 5, 2003, the Board commenced an investigation of Respondent which revealed the following information, which the Board hereby finds as fact:
 - a. During the past 13 months, Respondent wrote 176 prescriptions for a controlled substance, Demerol, which were filled by a single pharmacy. Of the 176 prescriptions, 39 were allegedly written for animals owned by Respondent. During the same period, the Whitehawk Veterinary Clinic purchased over 2000 syringes.
 - b. Animals being treated by Respondent are not being administered the Demerol purportedly prescribed for them. Respondent has been personally using controlled substances (Demerol and Valium) obtained for use in her veterinary medicine practice.
 - c. Records regarding the dispensing of controlled substances, required to be maintained by a controlled substance registrant, are not maintained by Respondent. Inventories of controlled substances held by Respondent, required to be taken not less often than every two years, have not been prepared.

- d. Out-of-date controlled substances, located in the Whitehawk Veterinary Clinic, have not been properly disposed of.
5. The Board also finds that Respondent's conduct, as detailed above, renders Respondent's registration inconsistent with the public interest because the conduct diverts controlled substances intended for veterinary purposes to Respondent's personal use.
6. The Board further finds that an immediate danger to the public health, safety and welfare exists for the following reasons:
 - a. Due to Respondent's apparent addiction to controlled substances, there exists a danger to Respondent, a danger to the animals she treats — or fails to treat — and a danger to the owners of animals who are purportedly being treated.
 - b. Respondent's addiction creates both the possibility for errors in treatment of animals and errors in the dispensing of controlled substances to animals. Animals in need of treatment which are mistreated or untreated — constitute a threat to the public health, safety and welfare.
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 controlled substances registration.
 - b. Issuance of an order directing that Respondent's registration shall remain suspended indefinitely until satisfactory evidence of Respondent's ability

to possess a controlled substance registration has been provided to the Board.

III. CONCLUSIONS OF LAW

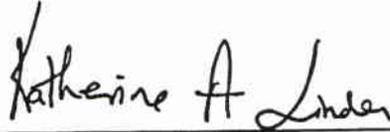
1. Respondent has committed such acts as would render Respondent's controlled substance registration inconsistent with the public interest.
2. Iowa Code § 17A.18A and chapter 124 (2003) and 657 Iowa Administrative Code 10.12(9) permit the Board to take emergency action to suspend a controlled substance registration in order to protect the health, safety and welfare of the public. A basis for emergency action against Respondent's controlled substance registration number 1511157 has been established by the findings of fact adopted above.

IV. ORDER OF IMMEDIATE SUSPENSION

The Iowa Board of Pharmacy Examiners **ORDERS** as follows:

- a. Pursuant to Iowa Code § 17A.18A, chapter 124 (2003) and 657 Iowa Administrative Code 10.12(9), controlled substances registration number 1511157 is suspended indefinitely. This suspension is effective immediately.
- b. A hearing regarding this Order of Immediate Suspension shall be set before the Iowa Board of Pharmacy Examiners upon Respondent's request. If no request for a hearing is received by the Board within 30 days of issuance, this Order shall become a final order of the Board.

DATED this 9th day of May 2003.



Katherine A. Linder
Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
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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**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2003-11
Controlled Substances Registration of)	
DEBORAH Y. STRAUSS)	STIPULATION
Registration No. 1511175)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code chapters 17A and 124 (2003), and 657 IAC 10.12, the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Deborah Y. Strauss (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a registrant disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Controlled Substances Registration disciplinary proceedings against Respondent shall be resolved without a hearing, based upon the following stipulation between the Board and Respondent:

1. Respondent was issued controlled substance registration number 1511175 on February 19, 2003, subject to the laws of the State of Iowa and the rules of the Board.
2. At all material times, Respondent was employed as a veterinarian at Whitehawk Veterinary Clinic, 208 First Avenue South, Mt. Vernon, Iowa 52314.
3. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these proceedings.
4. An "Order to Show Cause" and an "Order of Immediate Suspension of Controlled Substance Registration" was filed against Respondent May 9, 2003, based upon evidence that, among other things, (a) substantial quantities of controlled substances and related materials had been purchased by Respondent's Whitehawk Veterinary Clinic, (b) records

relating to dispensing those controlled substances were incomplete or non-existent and (c) controlled substance inventories had not been taken in accordance with Board requirements. While not admitting misconduct and steadfastly denying drug abuse, Respondent acknowledges that if this matter were presented to the Board via a contested case proceeding, sufficient evidence could have been produced to establish that cause existed for the Board's issuance of the "Order to Show Cause" and "Order of Immediate Suspension of Controlled Substance Registration," filed against Respondent May 9, 2003, for record keeping failures and to justify the discipline described below.

5. On the date of the Board's approval of this Stipulation and Consent Order, suspension of Respondent's controlled substances registration shall end and Respondent's registration shall be placed on probation for three (3) years, during which time

Respondent shall comply with the following conditions:

a. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete a continuing education ("CE") course relating to maintenance of records and inventories of controlled substances utilized in conjunction with a veterinary practice. The CE shall be *not less than* two (2) hours in length and shall be pre-approved by the Board.

Documentation of satisfactory completion of the CE shall be promptly submitted to the Board.

b. Immediately after the Board's approval of this Stipulation and Consent Order, Respondent will implement and comply with the "Plan of Operation," found on the attached Exhibit A, which she has drafted and supplied to the Board.

Consistent with the "Plan of Operation," Respondent will, at any veterinary facility where she practices or is otherwise employed (1) maintain readily retrievable and complete records relating to all dispensing of controlled substances in the course of her veterinary practice or employment and (2) maintain a readily retrievable, perpetual inventory of all controlled substances in her possession or in the possession of the veterinary clinic. Consistent with the "Plan of Operation," Respondent will, should she choose to operate her own veterinary clinic, and (3) maintain readily retrievable and complete records relating to the dispensing of controlled substances and the clinic inventory of controlled substances.

c. 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.

d. Respondent shall provide witnessed urine specimens on demand by an agent of the Board, all costs of which shall be paid for by Respondent. The specimens shall be used for drug screening and to verify Respondent's compliance with this Stipulation and Consent Order. If, during the probationary period, Respondent feels this paragraph is imposing an undue burden, Respondent may petition the Board for modification of its provisions.

e. To facilitate performance of the provisions of paragraph d above, Respondent shall report and provide a specimen to the St. Luke's Hospital in

Cedar Rapids, Iowa – or such other healthcare provider specified by the Board – within 24 hours after notice from the Board requesting that she provide a specimen. Respondent agrees to cooperate with the Board in establishing the specimen testing program, and hereby consents to disclosure to the Board, by St. Luke's Hospital, of all medical information – including test results -- generated by Respondent's contact with the facility.

f. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. The quarterly reports shall include Respondent's place of employment, current home address, home telephone number, or work telephone number, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order* and any further information deemed necessary by the Board from time to time.

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 such appearances.

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

i. 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.

j. Respondent shall notify all present and prospective veterinary and pharmacy employers (no later than at the time of an employment interview) of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

k. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment, Respondent shall cause any veterinary or pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

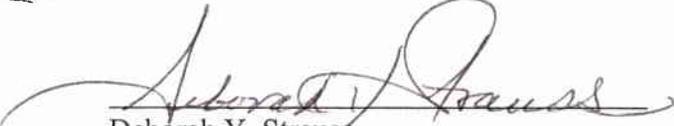
l. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her compliance with Iowa law and administrative rules relating to controlled substances, and with the terms of her probation. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

6. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate further action to revoke or suspend Respondent's controlled substances registration, or impose discipline upon Respondent in accordance with Iowa Code chapter 124 and 657 IAC chapter 10.

7. 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.

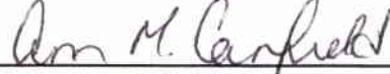
8. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
9. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of March 2006.


Deborah Y. Strauss
Respondent

Subscribed and sworn to before me by Deborah Y. Strauss on this 15th day of March 2006.




NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 25 day of April 2006.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Connie L. Diekema
Attorney for Respondent
699 Walnut, Suite 1900
Des Moines, Iowa 50309

PLAN OF OPERATION

As part of the settlement agreement herein, Dr. Strauss will maintain records for her veterinarian practice by using customary and accepted veterinarian record-keeping procedures. These procedures will include the following:

- A. Dr. Strauss has implemented and agrees to maintain a record-keeping system consistent with Iowa Board of Pharmacy Examiners (hereinafter, "Board") standards, as incorporated in the Board's administrative rules, and Iowa and federal law. The record-keeping system will be patterned after the procedures used in the pharmacy practice of Allen Shepley, of Mount Vernon, Iowa. Allan Shepley has agreed to provide a detailed record-keeping system and inventory system for the veterinary practice of Dr. Strauss, however, Mr. Shepley's assistance will not be considered a substitute for Dr. Strauss's personal responsibility to maintain records in compliance with law.
- B. Dr. Strauss will generally purchase controlled substances used in her practice through Shepley Pharmacy in Mount Vernon, Iowa. In the event a controlled substance needs to be purchased from a veterinarian supply company, Dr. Strauss will promptly notify the Pharmacy Board of the name of any veterinarian supply company from which controlled substances are purchased. This notification will provide a cross-check regarding controlled substances purchased by Dr. Strauss.
- C. Dr. Strauss, as well as her office staff personnel who maintain any business records or records relating to patients will be trained in the use of the record-keeping system that is developed by Allan Shepley, pharmacist. To supplement her understanding of the record-keeping responsibilities, Dr. Strauss will complete the continuing education course as set forth in the Stipulation and Consent Order.
- D. Complete hard copy records of all patients will be maintained on the clinic premises. A file will be maintained for each patient, with an up-to-date history of all treatment and all medication that has been used.
- E. Dr. Strauss will maintain records of all medications, and in particular, all controlled substances used in her veterinary practice. These records will indicate the date and amount, and the patient which receives the medication. The records will also indicate the disposal of any unused portion of the medication/controlled substance and will require witness confirmation of the disposition of unused controlled substances. Further, Dr. Strauss will maintain perpetual inventory record-keeping for controlled substances.

- F. Dr. Strauss shall be in compliance with all record-keeping requirements of the Iowa Board of Pharmacy Examiners and of federal regulations regarding the use of controlled substances in a veterinary practice.

In addition to the above record-keeping procedures, Dr. Strauss will continue to attend training on record-keeping through available continuing education seminars she attends such as the Mixed Animal Practice seminars and the Annual Central Veterinary Conference at Kansas City, Missouri. In addition, Dr. Strauss will take advantage of record-keeping seminar instruction that is reasonably available as presented by organizations licensed to provide continuing education programs for licensed doctors of veterinary medicine. Further, Dr. Strauss will request that the Iowa Board of Pharmacy Examiners, as well as the Iowa Board of Veterinary Medicine provide the most up-to-date literature outlining the record-keeping requirements of each Board, and will keep these documents at her clinic for the benefit of Dr. Strauss and her staff.

Dr. Strauss, in consultation with the Iowa Board of Pharmacy Examiners will submit quarterly reports, including all information required by the Board.

The period of time in which Dr. Strauss will provide the records to the Iowa Board of Pharmacy Examiners as stated above will be for the period of probation as set forth in the settlement agreement. The Iowa Board of Pharmacy Examiners shall retain all rights it has pursuant to its authority to monitor and inspect the records of Dr. Strauss.

The Iowa Board of Pharmacy Examiners shall reinstate the controlled substance registration of Dr. Strauss as of the date of Pharmacy Board approval of this settlement agreement.