

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of DAVID R. THOMPSON License No. 16814 Respondent	} } } } } }	COMPLAINT AND STATEMENT OF CHARGES AND NOTICE OF HEARING
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COMES NOW, Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 23rd day of September, 1991, and files this Complaint and Statement of Charges against David R. Thompson, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on October 20, 1986, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1992.

4. Respondent was registered to practice pharmacy in Nevada (certificate of registration number 9310).

5. Respondent currently resides at 208 Prince in Las Vegas, Nevada 89110.

6. Respondent's license to practice pharmacy in Nevada (registration number 9310) was subjected to the following disciplinary action by the Nevada State Board of Pharmacy:

a. On December 18, 1989, the Nevada State Board of Pharmacy filed an Accusation (Case No. 8803013BPH) against Respondent setting forth 14 counts alleging incidents of violation of Nevada pharmacy law.

b. On April 27, 1990, the Nevada State Board of Pharmacy approved a Stipulation and Order which disciplined Respondent's license to practice pharmacy in Nevada.

7. On May 17, 1991, the Board received a certified copy of the Accusation in Case No. 8803013BPH titled Nevada State Board of Pharmacy v. David R. Thompson from the Nevada State Board of Pharmacy. The Accusation set forth 14 counts alleging incidents

of violation of Nevada pharmacy law. A copy of the Nevada Accusation is attached hereto as Exhibit 1 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

8. On May 17, 1991, the Board also received a certified copy of the Stipulation and Order in Case No. 88-03013B-RPH-S titled Nevada State Board of Pharmacy v. David Thompson from the Nevada State Board of Pharmacy. A copy of the Nevada Stipulation and Order is attached hereto as Exhibit 2 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

9. Respondent failed to report to the Board the disciplinary action taken against his Nevada pharmacist registration number 9310 on April 27, 1990, by the Nevada State Board of Pharmacy.

10. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), 155A.12(10), 155A.23(1)(b), 155A.23(2), 155A.27, 155A.29(1), 204.308(1), 204.308(2), 204.308(3), and 204.402(1)(a) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

1991 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

4. Failed to keep and maintain records required by this chapter or failed to keep and maintain complete and accurate records of purchases and disposal of drugs listed in the controlled substances Act.

5. Violated any provision of the controlled substances Act or rules relating to that Act.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

1991 Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:...

b. Forgery or alteration of a prescription or of any written order.

....

2. Willfully make a false statement in any prescription, report, or record required by this chapter.

1991 Iowa Code section 155A.27 provides the following:

Each prescription drug order issued or filled in this state:

1. If written, shall contain:

a. The date of issue.

b. The name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed.

c. The name, strength, and quantity of the drug, medicine, or device prescribed.

d. The directions for use of the drug, medicine, or device prescribed.

e. The name, address, and signature of the practitioner issuing the prescription.

f. The federal drug enforcement administration number, if required under chapter 204.

2. If oral, the practitioner issuing the prescription shall furnish the same information required for a written prescription, except for the written signature and address of the practitioner. Upon receipt of an oral prescription, the pharmacist shall promptly reduce the oral prescription to a written format by recording the information required in a written prescription.

1991 Iowa Code section 155A.29 provides, in part, the following:

1. Except as specified in subsection 2, a prescription for any prescription drug or device which is not a controlled substance shall not be filled or refilled more than eighteen months after the date on which the prescription was issued and a prescription which is authorized to be refilled shall not be refilled more than eleven times.

1991 Iowa Code section 204.308 provides, in part, the following:

1. ...[N]o controlled substance in schedule II may be dispensed without the written prescription of a practitioner.

2. ...No prescription for a schedule II substance may be refilled.

3. ...[A] controlled substance included in schedule III or IV, which is a prescription drug... shall not be dispensed without a written or oral prescription of a practitioner.

1991 Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

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.

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), 155A.12(10), 155A.23(1)(b), 155A.23(2), 155A.27, 155A.29(1), 204.308(1), 204.308(2), 204.308(3), and 204.402(1)(a) and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that David R. Thompson appear before the Iowa Board of Pharmacy Examiners on Tuesday, November 19, 1991, at 10:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to David R. Thompson on October 20, 1986, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RECEIVED

DEC 31 1991

IOWA PHARMACY EXAMINERS

Re: Pharmacist License of : **STIPULATION**
DAVID R. THOMPSON : **AND**
License No. 16814 : **INFORMAL SETTLEMENT**
Respondent :

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and David R. Thompson, R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on October 20, 1986, by examination.

2. Respondent's license is current until June 30, 1992.

3. Respondent's current address is 208 Prince, Las Vegas, Nevada 89110.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on September 23, 1991.

5. The Board has jurisdiction of the parties and the subject matter.

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true.

7. Respondent's license to practice pharmacy is placed on probation for six months. The probationary period to

begin upon acceptance of the Stipulation and Informal Settlement by the Board.

8. Respondent shall not supervise any registered intern nor perform any of the duties of a preceptor during the probationary period.

9. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.

10. Respondent shall report in writing no later than 10 days after any change of his residency or employment status during the probationary period.

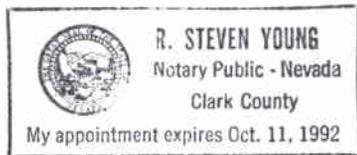
11. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

* * *

12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 17th day of December, 1991.

David R. Thompson
DAVID R. THOMPSON
Respondent

Signed and sworn to before me this 17 day of December, 1991.



[Signature]
NOTARY PUBLIC IN AND FOR THE
STATE OF NEVADA

13. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 14th day of January, 1992.

Melba L. Scaglione
MELBA L. SCAGLIONE, Chairperson
Iowa Board of Pharmacy Examiners