

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

Re:)	
Pharmacist License of	)	Case No. 2004-60
CARL E. THULIN,)	
License No. 18616,	)	STATEMENT OF CHARGES
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 (2003).
3. On February 21, 1996, the Board issued Respondent, after examination, a license to engage in the practice of pharmacy as evidenced by license number 18616, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license was current and active until June 30, 2004; renewal is pending.
5. Respondent's current address is 19337 Gaynon Avenue, Clinton Township, MI 48035.
6. Respondent is currently employed as a pharmacist at the a Walgreen's Pharmacy, 1045 S. Granot, Clinton Township, MI 48036.

A. CHARGES

COUNT I – VIOLATION OF ANOTHER STATE'S LAWS

The Respondent is charged pursuant to Iowa Code §§ 155A.12(8) and 155A.12(10) (2003), and 657 Iowa Administrative Code § 36.1(4)(j) with violation of another state's pharmacy or drug laws while under the jurisdiction of that state and with having had his license suspended by the State of Michigan.

COUNT II – FAILURE TO NOTIFY BOARD

The Respondent is charged pursuant to Iowa Code § 155A.12(1) (2003), and 657 Iowa Administrative Code § 36.1(4)(k) with failing to notify the Board within 30 days after a final decision by the licensing authority of Michigan which resulted in suspension of respondent's license.

B. FACTUAL CIRCUMSTANCES

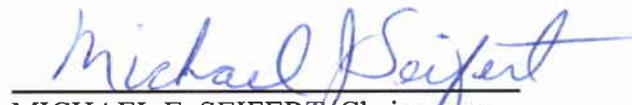
On or about June 30, 2004 an investigation was commenced which revealed the following:

1. Respondent, while licensed in Iowa and Idaho, practiced pharmacy in Michigan prior to being licensed there. Respondent practiced pharmacy in Michigan on February 2, 2003 and February 7, 2003. He was not licensed in Michigan until March 28, 2003.
2. Disciplinary proceedings in Michigan resulted in Respondent entering into a "Consent Order and Stipulation" with the Michigan Department of Community Health on February 11, 2004. The consent order, which constitutes the final order in Michigan disciplinary proceedings relating to Respondent, provided for suspension of Respondent's license for a period of 14 days and a \$2,500 fine.
3. Respondent's application for renewal of his Iowa pharmacist license – which revealed the Michigan suspension – was received April 28, 2004.

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 21st day of July 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


MICHAEL E. 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
Hoover State Office Building
Des Moines, Iowa

Thulin-SOC.doc

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

Re:	)	Case No. 2004-18616
Pharmacist License of)	
CARL E. THULIN	)	STIPULATION
License No. 18616	)	AND
Respondent	)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Carl E. Thulin (hereinafter, "Respondent"), enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Iowa Board of Pharmacy Examiners based on allegations specified in a Statement of Charges filed July 14, 2004. The Board and Respondent, who hereby agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. Respondent was issued a license to practice pharmacy in Iowa on February 21, 1996, following examination, as evidenced by Pharmacist License Number 18616, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Iowa Pharmacist License Number 18616, issued to and held by Respondent expired June 30, 2003.
3. A Statement of Charges was filed against Respondent on July 14, 2004.
4. The Board has jurisdiction over Respondent and the subject matter herein.
5. Respondent enters into this Stipulation and Consent Order voluntarily in order to resolve the Statement of Charges without the necessity of a hearing.

6. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of two years, under the following terms and conditions:
 - a. Respondent shall file written, sworn quarterly reports with the Board attesting to his 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, and any further information deemed necessary by the Board from time to time.
 - b. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearances.
 - c. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy and the distribution of controlled substances.
 - d. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.
 - e. Respondent shall inform the Board in writing within ten (10) days of any change of home address, employer, home telephone number or work telephone number.
7. The Board and Respondent agree that the above-described two (2) year

probationary period may be modified by the Board, upon Respondent's request, after presentation of evidence of Respondent's ongoing compliance with all regulations and statutes relating to the practice of pharmacy. In no event, however, shall Respondent's probationary period be less than one year.

8. 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 Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacy license is or will be utilized in the course of his employment. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his employer to report to the Board in writing, acknowledging that the employer has read this Stipulation and Consent Order and understands it.
9. 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 action to revoke or further suspend the Respondent's Iowa pharmacist license, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003), and 657 IAC 36.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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.
11. 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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

12. 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 8 day of Sept 2004.



Carl E. Thulin, R.Ph.
Respondent

Subscribed and sworn to before me by Carl E. Thulin on this 8 day of Sept 2004.



NOTARY PUBLIC IN AND FOR THE
STATE OF Michigan

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 31st day of August, 2004, and will be effective September 8, 2004.



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

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

Re:)	
Pharmacist License of	)	Case No. 2006-19
CARL E. THULIN,)	
License No. 18616,	)	STATEMENT OF CHARGES
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 (2003).
3. On February 21, 1996, the Board issued Respondent, after examination, a license to engage in the practice of pharmacy as evidenced by license number 18616, subject to the laws of the State of Iowa and the rules of the Board.
4. On July 21, 2004, the Board issued a Statement of Charges to Respondent and charged him with (1) violating Michigan's pharmacy or drug laws while under the jurisdiction of the State of Michigan and (2) failing to notify the Iowa Board of the Michigan disciplinary action within 30 days after the Michigan decision was issued to Respondent. The State of Michigan had alleged that Respondent had practiced pharmacy in Michigan in February 2003 without a Michigan pharmacist license.
5. Effective September 8, 2004, the Respondent entered into a Stipulation and Consent Order with the Iowa Board which placed his Iowa pharmacist license on probation with conditions for two (2) years. Respondent subsequently failed to file written quarterly reports with the Iowa Board as required by his Stipulation and Consent Order.
6. Respondent's Iowa pharmacist license was current and active until June 30, 2006. He failed to renew the license when it expired on that date. The Iowa pharmacist license renewal application was returned to the Board office on April 24, 2006, due to what the U.S. post office indicated was a "bad address."
7. Respondent's current address is unknown. The last known addresses for Respondent are: 1022 Hickory Hill Ct, Clinton, Iowa 52732 and 19337 Gaynon Avenue, Building 4, Clinton Township, Michigan 48035.

A. CHARGES

COUNT I – VIOLATION OF ANOTHER STATE’S LAWS

The Respondent is charged pursuant to Iowa Code §§ 155A.12(8) and 155A.12(10) (2003), and 657 Iowa Administrative Code § 36.1(4)(j) with violation of another state’s pharmacy or drug laws while under the jurisdiction of that state and with having had his license suspended by the State of Michigan.

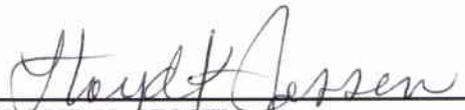
COUNT II – FAILURE TO NOTIFY BOARD

The Respondent is charged pursuant to Iowa Code § 155A.12(1) (2003), and 657 Iowa Administrative Code § 36.1(4)(k) with failing to notify the Board within 30 days after a final decision by the licensing authority of Michigan which resulted in suspension of respondent’s license.

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 15 day of Nov. 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


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
Hoover State Office Building
Des Moines, Iowa

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re:	)	DIA NO: 06PHB040
	)	CASE NO: 2006-19
Pharmacist License of)	
Carl E. Thulin,)	
License No. 18616,	)	FINDINGS of FACT,
	)	CONCLUSIONS of LAW,
Respondent.	)	and ORDER

On November 15, 2006, the Iowa Board of Pharmacy Examiners (the Board) filed a statement of charges against Carl Thulin (respondent), a licensed pharmacist. The Board charged respondent with: 1) violating another state's laws relating to pharmacy, and 2) failure to notify the Board about a disciplinary action by the licensing authority of another state.

The case was set for hearing on January 17, 2007. The following board members were present for the hearing: Vernon Benjamin, Michael Seifert, Lemman Olson, Paul Abramowitz, Susan Frey, and Barbara O'Roake. Jeffrey Farrell, an administrative law judge from the Iowa Department of Inspections and Appeals, assisted the Board. Scott Galenbeck, an assistant attorney general, represented the public interest. Respondent did not appear.

THE RECORD

The state's exhibits 1-5 were admitted. Debbie Jorgenson testified on the state's behalf.

FINDINGS OF FACT

Charges: Respondent is licensed to practice pharmacy in Iowa and Michigan. On September 8, 2004, respondent entered into a consent order to resolve pending disciplinary charges in Iowa. The Board placed respondent's license on probation for two years. The Board entered a number of conditions, including that respondent comply with all federal and state laws and regulations related to the practice of pharmacy. The order required respondent to provide evidence that he met all continuing education requirements. The order also required respondent to notify the Board of any changes in his address. (Exhibit 4).

In January of 2006, the Board received information from a regulatory clearinghouse that respondent had been disciplined by the State of Michigan. The Board contacted Michigan and received a copy of an order dated September 14, 2005. The order found that respondent failed to comply with Michigan's continuing education requirements. Michigan suspended respondent's license for one year. (Exhibits 1, 5; Jorgenson testimony).

Service: The Board attempted to serve the present statement of charges by certified mail at the last known address. The mailing was returned as undeliverable. The Board noted that it attempted to mail a renewal form to respondent in April of 2006, but the form was returned by the Post Office as having a "bad address." Respondent has not renewed his license in Iowa. After the certified mail was returned, the Board performed notice by publication. The Board satisfied all requirements for service by publication, as provided by its rules.¹ (Exhibits 1, 3; Jorgenson testimony).

CONCLUSIONS OF LAW

Regulatory framework: The Board was created for the express purpose to promote, preserve and protect the public health, safety, and welfare through the effective regulation of the practice of pharmacy.² The Board regulates the practice, in part, through the licensing of pharmacies, pharmacists, and others engaged in the sale, deliver, or distribution of prescription drugs and devices.

The Board has the authority to grant licenses to pharmacists, adopt regulations creating standards for licensure, and to enforce compliance with those standards.³ The Board may impose discipline against the license holder, including revoking or suspending a license, putting a licensee on probation, imposing a civil penalty up to \$25,000, issuing a citation and warning, and requiring professional education.⁴

Statement of charges: The two counts are related and will be considered together. Count I alleges a violation for violating a law relating to the practice of pharmacy in another state.⁵

¹ See 657 IAC 35.5(1)(d).

² Iowa Code section 155A.2.

³ Iowa Code section 272C.1(6)(q), 272C.3.

⁴ Iowa Code sections 155A.12, 155A.18, 272C.3(2).

⁵ 657 IAC 36.1(4)(j).

Count II alleges a violation for failing to notify the Board of a disciplinary suspension entered by another state.⁶

The documentation demonstrates that Michigan entered a license suspension for failing to comply with continuing educational requirements. Respondent did not tell Iowa about his license suspension in Michigan. Both counts in the statement of charges are supported by the evidence.

SANCTION

It is abundantly clear from the documentation that respondent does not take seriously his responsibilities as a licensed pharmacist. He was disciplined in Iowa in 2004 and placed on probation for two years. The Board specifically ordered him to comply with all regulatory laws, complete continuing education, and inform the Board of all address changes. Respondent did none of the above. Respondent failed to comply with continuing education in Michigan in 2005, which resulted in a license suspension in that state. Respondent did not tell the Board about his license suspension in Michigan. Respondent has not filed a renewal in Iowa, nor has he reported changes in address to the Board. Under the circumstances, there is no reason to maintain respondent's license. Revocation is the appropriate sanction.⁷

DECISION AND ORDER

The Iowa Board of Pharmacy Examiners revokes the pharmacy license held by respondent Carl Thulin. Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. Respondent shall remit payment to the Board at the following address: Iowa Board of Pharmacy Examiners, 400 SW 8th St., Suite E, Des Moines, Iowa 50309-4688. In addition, the executive secretary of the board may bill respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty days of receipt of the bill.

⁶ 657 IAC 36.1(4)(k).

⁷ The Board notes that respondent could be eligible to petition for reinstatement by complying with all provisions of 657 IAC 36.13 and any other applicable state laws and regulations.

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Dated this 13th day of March, 2007.



Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners

cc: Scott Galenbeck, Assistant Attorney General

Notice

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.