

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

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Re:	)	Case No. 2000-14836
Pharmacist License of	)	
<b>THOMAS E. TREMMEL</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14836	)	
Respondent	)	

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**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 (1999).
3. On July 1, 1976, the Board issued Respondent, Thomas E. Tremmel, a license to engage in the practice of pharmacy by examination as evidenced by license number 14836, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14836 is current and active until June 30, 2001.
5. Respondent's current address is 2002 Willow Street, Harlan, Iowa 51537.
6. Respondent is currently self employed as pharmacist in charge at Pexton Drug Store, 1021 Seventh Street, Harlan, Iowa 51537, and has been employed as such during all times relevant to this statement of charges.

**COUNT I**

The Respondent is charged with unlawful possession of prescription drugs in violation of 1999 Iowa Code § 155A.21 and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.4(u).

**COUNT II**

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse in violation of 1999 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(u).

THE CIRCUMSTANCES

1. During the month of February 2000, a Board investigator conducted a routine inspection of the Respondent's pharmacy, Pexton Drug Store.
2. The inspection referred to in paragraph 1, above, revealed substantial shortages of Adderall 10mg and methylphenidate 10mg, both of which are schedule II controlled substances.
3. After initially denying any responsibility for the missing controlled substances, Respondent later admitted that he had diverted the controlled substances for his own use and voluntarily entered a substance abuse treatment program.
4. Upon further investigation, substantial shortages of additional controlled substances were discovered.

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 11<sup>th</sup> day of July, 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Matthew C. Osterhaus, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re:	)	Case No. 2000-14836
Pharmacist License of	)	
<b>THOMAS E. TREMMEL</b>	)	<b>STIPULATION</b>
License No. 14836	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

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COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Thomas E. Tremmel, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on July 11, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the July 1, 1976, by examination as evidenced by Pharmacist License Number 14836, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14836, issued to and held by Respondent is active and current until June 31, 2001.
3. Respondent is not employed as a pharmacist.

4. A Statement of Charges was filed against Respondent on July 11, 2000.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the suspension of his license to practice pharmacy in Iowa.
7. Respondent's license to practice pharmacy is suspended for a period of six (6) months, beginning the date this Stipulation and Consent Order is approved by the Board.
8. During Respondent's six-month suspension, he shall report to the Board in writing once every three (3) months. The reports shall be filed no later than December 5, 2000 and March 5, 2000. The reports shall include the Respondent's current status, including home address and telephone number; Respondent's progress in medical treatment and substance abuse rehabilitation; and Respondent's compliance with all applicable federal and state drug laws and criminal laws.
9. Six months after the date this Stipulation and Consent Order is approved by the Board, Respondent's license to practice pharmacy shall be reinstated and Respondent's license shall be placed on probation for five (5) years, with the following 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 written, sworn quarterly reports with the Board attesting 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 the Respondent's probation. The quarterly reports shall include the 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.
- f. Respondent shall attend aftercare meetings and Alcoholics Anonymous

(AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 9(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 obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
- h. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.
- i. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- j. Respondent shall not serve as the pharmacist in charge of a pharmacy during the first two years of probation.
- k. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
- l. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

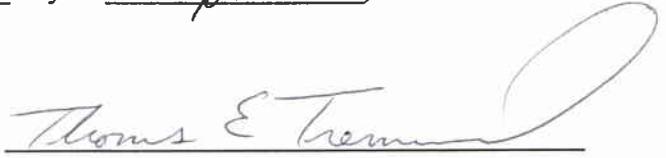
- n. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for six (6) years from the date of the Board's approval of this Stipulation and Consent Order.
10. Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, 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 Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer and the pharmacist-in-charge that 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.
11. Respondent shall make personal appearance before the Board or a Board committee upon request, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable

notice of the date, time, and place for the appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.

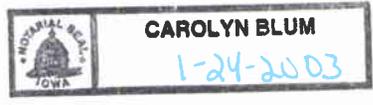
12. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
13. 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.
14. 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.
15. Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

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16. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 1 day of Sept., 2000.

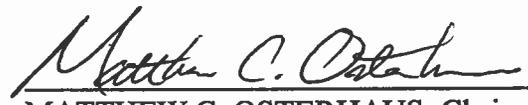
  
Thomas E. Tremmel, R.Ph.  
Respondent

Subscribed and sworn to before me by Thomas E. Tremmel on this 1 day of September, 2000.



  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

17. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 12 day of Sept., 2000.

  
MATTHEW C. OSTERHAUS, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARAMCY EXAMINERS  
STATE OF IOWA

-----  
IN THE MATTER OF THE DISCIPLINARY ACTION  
AGAINST  
THOMAS E. TREMMEL, RESPONDENT

IOWA PHARMACIST LICENSE # 14836  
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ORDER TERMINATING PROBATION  
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NOW ON April 19, 2005, BE IT REMEMBERED:

1. That on July 11, 2000, the Board issued a Statement of Charges to Respondent, charging him with unlawful possession of prescription drugs and the inability to practice pharmacy with reasonable skill and safety by reason of chemical abuse.
2. That on September 12, 2000, the Board issued entered into a Stipulation and Consent Order with Respondent, suspending his license for six months, followed by placing Respondent's license on probation with conditions until March 12, 2006.
3. That on March 7, 2005, Respondent's treatment provider recommended that Mr. Tremmel be released from probation.
4. That on March 9, 2005, Respondent requested the Board to release from him probation.
5. That on April 19, 2005, the Board considered the Respondent's request and voted to authorize the termination of the probation placed upon his license to practice pharmacy.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy in Iowa is terminated and the license is returned to its full privileges free and clear of all restrictions.



Michael J. Seifer  
Board Chairperson  
IOWA BOARD OF PHARMACY EXAMINERS  
RiverPoint Business Park  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	Case No. 2012-61
Pharmacist License of	)	
<b>THOMAS E. TREMMEL,</b>	)	<b>STATEMENT OF CHARGES,</b>
License No. 14836,	)	<b>SETTLEMENT AGREEMENT</b>
Respondent.	)	<b>AND ORDER (COMBINED)</b>

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**COMES NOW** the Iowa Board of Pharmacy (Board) and Thomas E. Tremmel (Respondent), on January 16, 2012, pursuant to Iowa Code sections 17A.12(2), 17A.10(2), and 272C.3(4) (2011), and enter into this Combined Statement of Charges, Settlement Agreement and Order to resolve a pending disciplinary matter.

**A. STATEMENT OF CHARGES**

**Count I—INABILITY TO PRACTICE  
WITH REASONABLE SKILL AND SAFETY**

Respondent is charged with inability to practice with reasonable skill and safety by reason of a mental or physical impairment or substance abuse, in violation of Iowa Code sections 147.55(9) and 657 Iowa Administrative Code 36.1(4)(m).

**COUNT II – UNLAWFUL POSSESSION OF PRESCRIPTION DRUGS**

Respondent is charged with unlawful possession and use of prescription drugs in violation of Iowa Code §§ 155A.12(1), 155A.21(1) and 155A.23(1) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u).

**COUNT III – ILLEGAL DISTRIBUTION OF DRUGS**

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(k) (2011), and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to himself in the absence of a valid prescription.

**B. FACTUAL CIRCUMSTANCES**

1. Respondent is a licensed pharmacist in the State of Iowa. Respondent was issued Iowa license 14836 on July 1, 1976. That license is currently active until June 30, 2013.

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IOWA BOARD OF PHARMACY

2. On July 11, 2000, the Board filed a Statement of Charges against Respondent for the unlawful possession of prescription drugs, and for the inability to safely practice pharmacy because of chemical abuse. These charges were based on Respondent's admitted diversion of Schedule II controlled substances from the pharmacy at which he was employed.

3. On September 12, 2000, Respondent and the Board entered into a Stipulation and Consent Order in which Respondent's pharmacy license was suspended for six months, then placed on probation for five years, subject to a number of terms. Respondent's probation was terminated in an Order filed April 19, 2005.

4. Respondent self-reported to the Board in March of 2012 that he had relapsed and was using controlled substances. Respondent admitted he had been diverting controlled substances for his own use from the pharmacy at Myrtue Medical Center in Harlan, Iowa, where he was employed as the Pharmacist in Charge.

5. An audit conducted by the Board established a shortage of 19,000 milliliters of promethazine with codeine syrup and 1890 milliliters of guaifenesin with codeine syrup. Respondent also admitted diverting compounded morphine from the pharmacy's quarantined supply of outdated medications.

6. Respondent admitted he falsified a prescription for promethazine with codeine and filled that prescription on four occasions.

7. The Board has information that Respondent suffers from a mental health condition.

8. Respondent has not practiced pharmacy since February 2012. Respondent has submitted to treatment for his substance abuse and mental health conditions.

### **C. SETTLEMENT AGREEMENT**

9. Respondent has chosen not to contest the allegations 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.

10. Upon the Board's approval of this order, Respondent's Iowa pharmacist license shall be **suspended indefinitely**. Respondent shall not engage in any aspect of the practice of pharmacy during the period of suspension.

11. Respondent may request reinstatement of his Iowa pharmacy license by filing an application for reinstatement under 657 IAC 36.13-14. **Respondent may not apply for reinstatement for at least six (6) months from the date of this Order,** and only after Respondent:

a. Submits a report to the Board with a comprehensive physical, mental health, and substance abuse evaluation from a program approved by the Board which recommends Respondent is mentally and physically fit to return to the practice pharmacy, and which recommends appropriate restrictions. A recommendation that Respondent is fit to return to the practice of pharmacy shall include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting.

b. Signs all releases necessary for the Board to obtain Respondent's medical records, including records of physical, mental health, and substance abuse evaluation and treatment.

c. Submits a \$1500 civil penalty to the Board. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within ten (10) days of the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa's general fund.

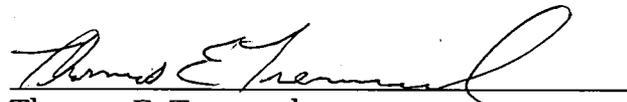
12. Respondent's license shall not be reinstated except upon a showing by Respondent that the basis for suspension of his license no longer exists, and that it is in the public interest for the license to be reinstated. **In the event the Board determines that Respondent's license should be reinstated, Respondent's license to practice pharmacy shall be placed on probation for five (5) years,** subject to terms which shall include, but are not limited to, the following:

- a. Respondent shall fully comply with the terms of probation.
- b. Respondent shall comply with any recommendations made by the Board-approved program. In the event Respondent is participating in a treatment program, aftercare, or counseling, Respondent's physician/treatment provider shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.
- c. Respondent shall sign all releases necessary for the Board to obtain Respondent's medical records, including records of physical, mental health, and substance abuse evaluation and treatment.
- d. 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.

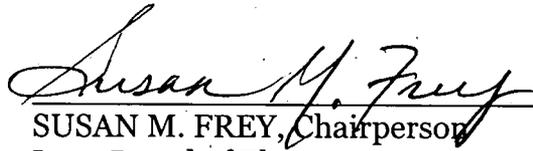
- e. Respondent shall provide witnessed blood, hair or urine specimens on demand by the Board or its agents. The specimens shall be used for alcohol and drug screening, and to verify Respondent's compliance with this Order and any drug therapy ordered by Respondent's physician or treatment provider. All costs related to the analysis of such specimens shall be paid by Respondent.
- f. Respondent shall upon Board request provide a specimen to a healthcare provider specified by the Board within 24 hours after the request from the Board. That healthcare provider shall be located in reasonable proximity to Respondent. 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.
- g. Respondent shall submit quarterly reports to the Board. The report shall include Respondent's place of employment; current address; a narrative discussing Respondent's current compliance with the terms of this Order; and any further information requested by the Board.
- h. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of this Order, including the terms, conditions and restrictions imposed on Respondent by this Order.
- i. Within thirty (30) days after approval of this Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent is responsible for ensuring 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.
- j. During the first six (6) months of employment during probation, Respondent shall not work more than 20 hours per week. Following successful completion of six months of employment, Respondent may request permission from the Board to work additional hours per week.
- k. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- l. Upon request, Respondent shall appear informally before the Board for the purpose of reviewing his performance as a pharmacist and compliance with his probation. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

- m. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
  - n. Only the periods of time during which Respondent is actively practicing as a pharmacist in Iowa shall apply to the duration of the probation, unless otherwise approved by the Board.
  - o. 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.
  - p. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program, under the direct support of a pharmacist advocate.
13. If Respondent violates or fail to comply with any of the terms or conditions of this Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacy license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC § 36.
14. This Order is the resolution of a contested case. By entering into this 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 Order.
15. The State's legal counsel may present this Combined Statement of Charges, Settlement Agreement and Order to the Board.
16. This proposed settlement is subject to the approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party. If the Board approves this Order, it shall be the full and final resolution of this matter.
17. The Board's approval of this Combined Statement of Charges, Settlement Agreement and Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

Signed by Respondent on this 19<sup>th</sup> day of December, 2012.

  
Thomas E. Tremmel

On this 16<sup>th</sup> day of January 2012, the Iowa Board of Pharmacy approved this Combined Statement of Charges, Settlement Agreement and Order.



SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa