

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

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Re: )  
Pharmacist License of )  
**KIRK A. ZIEGLER** ) **STATEMENT OF CHARGES**  
License No. 15587 )  
Respondent )

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*COMES NOW*, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).

3. On July 9, 1979, Kirk A. Ziegler, the Respondent, was issued license number 15587 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.

4. License number 15587 is current and active until June 30, 1997.

6. Respondent currently resides at 1515 Lucas Street, Muscatine, Iowa 52761.

7. Respondent is employed as a staff pharmacist by Nietzel's Pharmacy, Inc., 413 Mulberry Avenue, Muscatine, Iowa 52761.

COUNT I

The Respondent is charged under Iowa Code §§ 147.55(4), 155A.12(1), and 155A.12(3) and 657 Iowa Administrative Code Sections 9.1(4)(d), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u) with habitual intoxication or addiction to the use of drugs.

## THE CIRCUMSTANCES

The Board has received investigative information which alleges the following:

1. Respondent is employed as a staff pharmacist by Nietzel's Pharmacy, Inc., 413 Mulberry Avenue, Muscatine, Iowa 52761.
2. On March 15, 1996, the Board received information which alleged that the Respondent was arrested on February 13, 1996, and charged with operating while intoxicated (O.W.I.) and unlawful possession of prescription drugs. According to the criminal complaint filed in Muscatine County, Respondent was operating a motor vehicle while impaired from drinking alcohol and taking prescription drugs. The Board has also received investigative information which alleges that Respondent's use of alcohol on a continuing basis may have impaired his ability to practice pharmacy with reasonable skill and safety.
3. Respondent admits that he is an alcoholic and that he is chemically dependent.

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.

  
Lindy A. Pearson  
Chief Investigator

On this 11<sup>th</sup> day of June, 1996, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Phyllis A. Olson, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

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**STIPULATION  
AND  
INFORMAL SETTLEMENT**

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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Kirk A. Ziegler, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1995), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 9th day of July, 1979, by examination, as evidenced by license number 15587, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 15587 issued to and held by Respondent is current until June 30, 1997.
3. Respondent is currently employed as a staff pharmacist by Nietzel's Pharmacy, Inc., 413 Mulberry Avenue, Muscatine, Iowa 52761.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on June 11, 1996.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims.

7. Upon the date of the Board's approval of this Stipulation and Informal Settlement, Respondent's license to practice pharmacy is suspended for a period of six (6) months. The suspension is stayed, however, and the Respondent's license is immediately placed on probation for a period of five (5) years under the following terms and 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 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, all costs of which shall be paid by the Respondent.

d. Respondent shall, within thirty (30) days of the date of the Board's approval of this Stipulation and Informal Settlement, submit to the Board for the Board's approval, the name and curriculum vitae of the physician or counselor who will supervise the Respondent's continued chemical dependency treatment.

(1) As a condition of approval, the physician or counselor shall agree to provide written quarterly reports to the Board during the Respondent's aftercare treatment program. The reports shall be filed with the Board not later than September 15, December 15, March 15, and June 15 of each year of the Respondent's probation.

(2) Respondent shall continue with chemical dependency treatment until discharged from treatment by the Board-approved physician or counselor. Respondent shall comply with all aftercare recommendations of the Board-approved physician or

counselor. The Board-approved physician or counselor shall notify the Board, in writing, when the Respondent is discharged from aftercare.

e. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Informal Settlement. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.

f. Respondent shall attend at least one (1) aftercare meeting weekly and/or one (1) Alcoholics Anonymous (AA) meeting weekly. Respondent's participation in other group sessions or meetings shall be pre-approved by the Board. The Respondent shall append to each quarterly report referred to in subparagraph 7-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 make appearances before the Board or a Board committee annually or upon request. The Respondent shall be given reasonable notice of the date, time, and location for the appearances.

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

i. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

j. Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.

k. Respondent shall not be an owner of a pharmacy nor serve as the pharmacist in charge of a pharmacy.

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

m. 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 document. Within thirty (30) days after approval of this Stipulation and Informal Settlement by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

8. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Informal Settlement. However, evidence that the Respondent has failed to abide by the terms of subparagraphs 7-a or 7-b of this Informal Settlement while outside the state shall constitute a violation of this Informal Settlement.

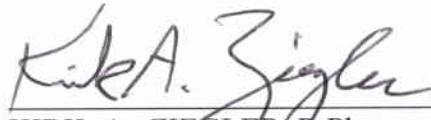
9. Should Respondent violate or fail to comply with any of the terms of conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657 IAC 9.1.

10. Upon full compliance with the terms and conditions of this Stipulation and Informal Settlement and upon expiration of the period of probation, the Respondent's Iowa pharmacist license shall be restored to its full privileges free and clear of the terms of probation.

11. This Stipulation and Informal Settlement is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

12. The Board's approval of this Stipulation and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

13. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 11 day of June, 1996 1996.

  
KIRK A. ZIEGLER, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 11th day of June, 1996.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 18th day of June, 1996.

  
PHYLLIS A. OLSON, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319