

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-180
Pharmacist License of)	
CORNELL M. BADURA)	STATEMENT OF CHARGES
License No. 19391,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacist license number 19391. Respondent's pharmacist license is active and will expire on June 30, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on March 12, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the morning hearing session, beginning at 9 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at Theresa.Weeg@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

COUNT I UNPROFESSIONAL AND UNETHICAL CONDUCT

Respondent is charged under Iowa Code section 147.55(3), 155A.12(3), and 272C.10(3) (2011); and 657 Iowa Administrative Code 8.11(8) with unprofessional and unethical conduct.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed pharmacist in the State of Iowa. His license is active and will expire on June 30, 2014.
2. At all times material to this Statement of Charges, Respondent was employed as a pharmacist at the University of Northern Iowa Student Health Center Pharmacy, Cedar Falls, IA.

3. On three occasions in 2011, Respondent left pornographic images on the computer screen of another pharmacy employee. Respondent used this employee's computer to access pornography because he had previously installed a program on his own computer to deter him from accessing pornography on the internet.
4. On June 27, 2012, the Board ordered Respondent to submit to a physical and mental health evaluation at a program approved by the Board.
5. Respondent submitted to evaluation by a psychiatrist at the University of Iowa Hospitals and Clinics. A report received by the Board in November 2011 indicates Respondent may safely practice as a pharmacist if he continues counseling on a regular basis.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Theresa Weeg.

F. PROBABLE CAUSE FINDING

On this 16th day of January, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

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

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

personal service

first class mail

certified mail, return receipt requested

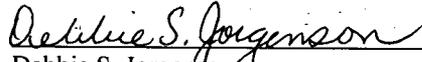
facsimile

Article Number 9171999991703105609801

other _____

on the 17th day of January, 2013.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-180
Pharmacist License of)	
CORNELL M. BADURA)	SETTLEMENT AGREEMENT
License No. 19391)	AND
)	FINAL ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Cornell M. Badura, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacist License No. 19391. That license is active and current until June 30, 2014.
2. A Statement of Charges was filed against Respondent on January 16, 2013. Respondent was at all times relevant to the Statement of Charges employed as a pharmacist at the University of Northern Iowa Student Health Center Pharmacy, Cedar Falls, Iowa.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.

4. 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.
5. On the date of the Board's approval of this Settlement Agreement and Final Order, Respondent's license shall be placed on probation for a period of two (2) years, subject to the following terms:
 - a. Respondent shall submit a \$1500.00 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 date this Settlement Agreement is approved by the Board. All civil penalty payments shall be deposited into the State of Iowa's general fund.
 - b. Respondent shall continue seeing a Board-approved counselor until that counselor recommends, and the Board approves, discontinuation of counseling. Respondent shall comply with any recommendations made by his counselor.
 - c. Respondent shall comply with all applicable Iowa pharmacy law and rules and all related federal requirements for controlled substances.
 - d. Respondent shall submit quarterly reports to the Board. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. These reports shall include Respondent's place of employment; current address; a narrative discussing Respondent's current compliance with the terms of this Settlement Agreement and Final Order; and any further information requested by the Board.

- e. 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 Settlement Agreement and Final Order, including the terms, conditions and restrictions imposed on Respondent by this Order.
 - f. Within thirty (30) days after approval of this Settlement Agreement and Final 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.
 - g. Upon the Board's 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.
 - h. 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.
 - 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.
6. Should Respondent violate or fail to comply with any of the terms and conditions of this Settlement Agreement and Final Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other

licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC 36.

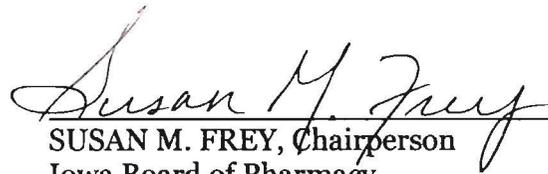
7. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Final Order.
8. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
9. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
10. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 6th day of February 2013.



CORNELL M. BADURA, R.Ph.
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 13th day of March 2013.



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
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE SETTLEMENT AGREEMENT AND FINAL ORDER
AGAINST**

CORNELL M. BADURA, R.Ph., RESPONDENT

20011-180

TERMINATION ORDER

DATE: March 13, 2015

1. On March 13, 2013, a Settlement Agreement and Final Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 19391 issued to Cornell M. Badura on July 20, 2000, on probation for a period of two years under certain terms and conditions.

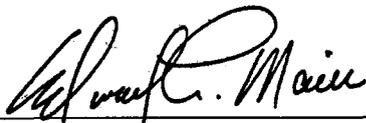
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy shall be terminated.

IT IS HEREBY ORDERED:

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

IOWA BOARD OF PHARAMCY



Edward J. Maier, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688