

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

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Re: )  
Pharmacist License of )  
**IRVIN S. BEITER, JR.** ) **STATEMENT OF CHARGES**  
License No. 14722 )  
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 124, 155A, and 272C (1995).
3. On July 1, 1976, Irvin S. Beiter, Jr., the Respondent, was issued license number 14722 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 14722 is current and active until June 30, 1998.
5. Respondent currently resides at 702 Broadway, Emmetsburg, Iowa 50536.
6. Respondent is currently self-employed as the pharmacist in charge of Irv's Pharmacy, 908 Broadway, Emmetsburg, Iowa 50536.

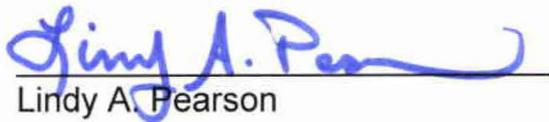
**COUNT I**

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of illness, in violation of Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(m) and 9.1(4)(u).

## THE CIRCUMSTANCES

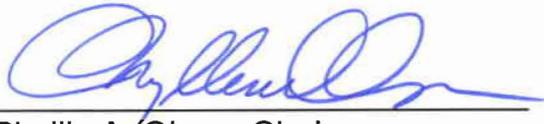
The Board has received investigative information which alleges that on January 3, 1997, the Respondent attempted to commit suicide by ingesting controlled substances obtained from his pharmacy. The information also alleges that Respondent's illness has impaired his ability to practice pharmacy with reasonable skill and safety.

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 9th day of January, 1997, 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

cc: Linny Emrich  
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**

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Re:	)	
Pharmacist License of	)	
<b>IRVIN S. BEITER, JR.</b>	)	<b>ORDER FOR</b>
License No. 14722	)	<b>SUMMARY SUSPENSION</b>
Respondent	)	

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The Iowa Board of Pharmacy Examiners, acting upon investigative information received by the Board, has determined that under the provisions of Iowa Code Sections 17A.18(3), 155A.12, and 272C.10(3) (1995), it should summarily suspend your pharmacist license until such time as a hearing can be held in the matters outlined within said complaint.

The summary suspension is ordered because the Board believes that the public health, safety and welfare imperatively requires emergency action in that an illness has impaired your ability to practice pharmacy with reasonable skill and safety. You would pose a threat to the public health and safety if you were allowed to continue to practice pharmacy in Iowa.

You are therefore commanded to immediately surrender your current pharmacist license No. 14722 to the Board. You are reminded that while your license is suspended, you may not practice pharmacy in the State of Iowa and you may not enter any pharmacy prescription area, manage any pharmacy, administer any pharmacy, or engage in any pharmacy-related service or activity.

As a result of the summary suspension, the Board is required to offer to hold a hearing promptly in this matter. The time scheduled for your hearing can be found in the accompanying Notice of Hearing. Should this hearing time be a problem, you may request a postponement so that the hearing may be re-scheduled for a later date by contacting Lloyd Jessen, Executive Secretary/Director, at 515/281-5944.

Dated this 9th day of January, 1997.



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

cc: Linny Emrich  
Assistant Attorney General



6. Upon the date of the Board's approval of this Stipulation and Informal Settlement, the summary suspension of the pharmacist license number 14722, issued to the Respondent, Irvin S. Beiter, Jr., shall be vacated.

7. License number 14722 shall immediately be placed on probation for a period of three (3) 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 medical history.

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 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. Respondent's first quarterly report shall be filed with the Board not later than June 5, 1997.

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

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

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

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

j. 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.

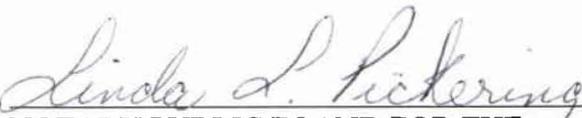
11. This Stipulation and Informal Settlement is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

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

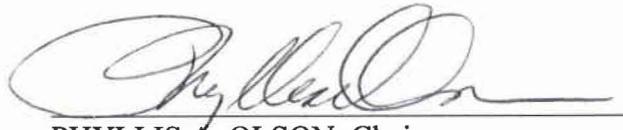
13. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 17th day of February, 1997.

  
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IRVIN S. BEITER, JR., R.Ph.  
Respondent

Subscribed and Sworn to before me on this 17th day of February, 1997.

  
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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 11 day of February, 1997.

A handwritten signature in cursive script, appearing to read "Phyllis A. Olson", written over a horizontal line.

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