

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF THE	)	DIA NO: 10PHB051
REQUEST FOR RECONSIDERATION)	
OF THE PHARMACIST INTERN)	
REGISTRATION FOR:	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
JOSEPH J. CAMPANELLI	)	DECISION AND ORDER

On November 2, 2010, a hearing was held before the Iowa Board of Pharmacy (Board) on the Request for Reconsideration of the denial of the application for pharmacist intern registration filed by Joseph J. Campanelli (Applicant). The following members of the Board presided at the hearing: Vernon Benjamin, Chairperson; Susan Frey; Edward Maier; DeeAnn Wedemeyer Oleson; Mark Anliker; and Ann Diehl. Joseph Campanelli appeared for hearing and was self-represented. Assistant Attorney General Scott Galenbeck represented the state. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2009), and was recorded by a certified court reporter. After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The administrative law judge was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the Notice of Hearing; the testimony of Applicant; and State Exhibits 1-10 (See Exhibit Index for description).

FINDINGS OF FACT

1. Joseph J. Campanelli (Applicant) filed an Application for Registration as a Pharmacist-Intern on September 15, 2010. Mr. Campanelli is a second year student at the University Of Iowa College Of Pharmacy with an anticipated date of graduation in 2013. Mr. Campanelli answered "no" to the following two questions that appeared on the application:

Have you ever been convicted of or pleaded guilty to a misdemeanor or a felony charge? If yes, provide details separately.

Have you ever been convicted of or pleaded guilty to a drug- or alcohol-related offense? If yes, provide details separately.

Mr. Campanelli's signature appears directly beneath the following statement:

I hereby swear under penalty of perjury that the information provided in this application is true and correct. I understand that failure to provide complete and truthful information may constitute grounds for revocation or other disciplinary action against my pharmacist-intern registration.

(State Exhibit 1)

2. Upon receipt of the application, Board staff reviewed Joseph Campanelli's criminal history on Iowa Courts Online and discovered that he had the following alcohol-related misdemeanor offenses which he failed to report on his application:

- 11/21/2002 conviction for Possession of Alcohol Under Legal Age, First Offense;
- 9/2/2003 conviction for Misuse of License or ID Card To Acquire Alcohol;
- 5/5/2005 conviction for Supplying Alcohol to Person Under Age and Public Intoxication; and
- 10/29/2005 conviction for Public Consumption or Intoxication

On September 15, 2010, Board staff wrote to Joseph Campanelli asking for a detailed letter of explanation concerning the unreported offenses. (State Exhibits 2, 3)

3. In his letter of explanation, Joseph Campanelli wrote that he answered "no" to the questions on the application because he understood either that his offenses were merely citations that would not be on his record or that they would be expunged from his record. Mr. Campanelli wrote that he was asked the same question when applying to pharmacy schools and was told by his lawyer that he could answer "no" in good conscience. Mr. Campanelli provided a list of "all of the drug-or alcohol-related offenses that I have been charged with to the best of my memory." This list omitted one conviction for public intoxication. (State Exhibit 4).

4. On September 24, 2010, the Board's Executive Director asked Joseph Campanelli to provide a letter from his lawyer explaining why he/she advised Mr. Campanelli that he could answer "no" to the question asking if he had been convicted of alcohol-related offenses. (State Exhibit 5). Mr. Campanelli responded that after reviewing the questions he was asked in his applications for pharmacy school, he realized that he had not been asked for alcohol related offenses and was only asked to report felonies. Mr. Campanelli clarified that his lawyer told him he could answer "no" to the question asking if he had been convicted of a felony. (State Exhibit 6) Mr. Campanelli never provided the Board any documentation from his lawyer. At hearing, he admitted that he had not spoken to his lawyer "for quite awhile." (Applicant testimony)

5. On September 29, 2010, the Board notified Joseph Campanelli that his application for registration as a pharmacist-intern had been denied due to his repeated lack of truthfulness regarding his criminal history. (State Exhibit 7) Mr. Campanelli filed an appeal and requested a hearing. (State Exhibit 8)

CONCLUSIONS OF LAW

A person desiring to be a pharmacist-intern in this state shall apply to the board for registration on a form prescribed by the board.¹ The Board may deny an application for registration as a pharmacist-intern for any violation of the laws of the this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of Iowa Code chapter 124, 124A, 124B, 126, 147, 155A, or 205 or any rule of the Board.² The Iowa Code authorizes the Board to revoke, suspend, or otherwise discipline a license for knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct.³

The Board clearly had sufficient grounds to deny Joseph Campanelli's application for registration as a pharmacist-intern. Joseph Campanelli had five alcohol-related misdemeanor convictions dating from 2002-2005. These convictions had not been expunged from his record. Moreover, even if the convictions had been expunged, Mr. Campanelli was still obliged to report them if he had entered guilty pleas and paid the

¹ Iowa Code section 155A.6(2)(2009).

² Iowa Code section 155A.6(3); 657 IAC 4.10.

³ Iowa Code sections 147.55(3); 155A.12(2)(2009).

finer. If Mr. Campanelli had fully and honestly disclosed the convictions, the Board would have issued the registration. However, Mr. Campanelli did not disclose the convictions and his explanations for the omissions were not credible. Licensed pharmacists and registered pharmacist-interns must be honest and forthright in all communications with licensing boards, regulatory agencies, health care providers, and the general public. Mr. Campanelli's approach to answering questions on his application for registration reflects poorly on him and reflects poorly on his understanding of the ethical and professional obligations of a pharmacist-intern.

Joseph Campanelli assures the Board that he has had no further convictions since 2005, other than traffic tickets. He has apologized for the failure to disclose his alcohol related convictions on his application. Although the Board has some reservations, it was ultimately persuaded to give Mr. Campanelli the opportunity to register as a pharmacist-intern, subject to probationary terms.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the application for registration as a pharmacist intern, filed by Joseph J. Campanelli (Applicant), is hereby granted. IT IS FURTHER ORDERED that the Applicant's pharmacist intern registration shall be placed on probation for its duration, subject to the following terms and conditions:

A. The Applicant shall file written, sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of his probation. The reports shall be filed no later than March 5, June 5, September 5 and December 5 of each year of Applicant's probation. The quarterly reports shall include Applicant's current place of employment, home address, home telephone number or work telephone number, and any further information deemed necessary by the Board from time to time.

B. The Applicant shall notify all prospective preceptors, of the terms, conditions, and restrictions imposed on Applicant by his probation. Notification shall be made by providing a copy of this Decision and Order no later than the time of interview. Within fifteen (15) days of undertaking a new position or employment as a pharmacist-intern, Applicant shall cause his preceptor to report to the Board in writing, acknowledging that the preceptor has read this document and understands it.

In addition, the Applicant's preceptor(s) shall file a written report with the Board, concerning his performance as a pharmacist-intern, every six (6) months. If the length of the internship experience is less than six months, then the preceptor shall file a written report with the Board at the end of the internship experience.

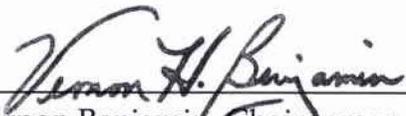
C. During probation, the Applicant shall inform the Board in writing within ten (10) days of any change of home address, employment status, place of employment, home telephone number or work telephone number.

D. The Applicant shall make personal appearances before the Board or a Board committee upon request. The Board shall give Applicant reasonable notice of the date, time, and location for such appearances.

E. The Applicant shall obey all federal and state laws and regulations related to the practice of a pharmacist intern and the distribution of controlled substances.

F. Should the Applicant violate or fail to comply with any of the terms or conditions of probation, the Board may initiate action to revoke or suspend the Applicant's pharmacist intern registration, as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.

Dated this 24th day of November, 2010.



Vernon Benjamin, Chairperson
Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General

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.

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case No. 2010-123
Pharmacist Intern Registration of)	
JOSEPH J. CAMPANELLI	)	STATEMENT OF CHARGES
Registration No. 5072,	)	& 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 intern registration number 5072. Respondent's registration is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 23, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the morning session, beginning at 9:00 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 rule 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.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@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 Meghan Gavin at (515)281-6736.

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—VIOLATION OF A BOARD ORDER

Respondent is charged with violating the terms of a previous Board order in violation of Iowa Code sections 155A.12(1) and 272C.2(a) and 657 Iowa Administrative Code rule 36.1(4)(i).

D. FACTUAL CIRCUMSTANCES

1. The Respondent filed an Application for Registration as a Pharmacist-Intern on September 15, 2010.
2. On September 29, 2010, the Board notified the Respondent that his application for registration as a pharmacist-intern had been denied due to his repeated lack of truthfulness regarding his criminal history.
3. The Respondent appealed from the denial.
4. Following a hearing, the Board issued its Findings of Fact, Conclusions of Law, Decision, and Order on November 24, 2010. The Order granted Respondent a pharmacist intern registration under certain conditions. Respondent's registration was under probation for its

duration. In addition, the Respondent was required to notify all prospective preceptors, of the terms, conditions, and restrictions imposed on him by his probation. The Order specified, "Notification shall be made by providing a copy of this Decision and Order no later than the time of interview."

5. On at least one occasion, the Respondent failed to provide a preceptor a copy of the Board's decision until after the preceptorship concluded. The pharmacist reported to the Board that he would not have approved the preceptorship as requested if he had been properly informed.

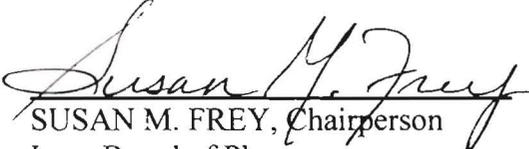
6. On at least two other occasions, the Respondent provided preceptors a copy of only the "Decision and Order" Section of the Board's Order and not the entire Order, including the Findings of Fact and Conclusions of Law.

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 rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this 13th day of March, 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: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

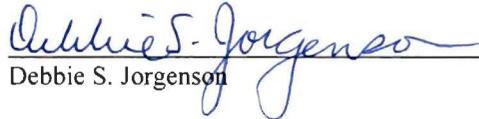
PROOF OF SERVICE

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

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703106849756 | <input type="checkbox"/> other _____ |

on the 14th day of March, 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

In the Matter of the Application for)	
Pharmacist Licensure of)	
)	
JOSEPH J. CAMPANELLI,	)	LICENSURE BY
Applicant.	)	CONSENT AGREEMENT

COMES NOW the Iowa Board of Pharmacy ("Board") and Joseph J. Campanelli ("Applicant"), and pursuant to Iowa Code section 17A.10 (2013), enter into this Consent Agreement ("Agreement").

1. On May 13, 2013, the Applicant made application to the Iowa Board of Pharmacy for pharmacist licensure.

2. At the time of his application, Applicant had a pending contested case before the Board, wherein it was alleged the Applicant violated a prior board order concerning the Applicant's pharmacist intern registration. The Applicant's pharmacist intern registration was granted by the Board, following a contested case hearing, subject to specific conditions underlined in the order. It was those conditions the Applicant was alleged to have violated.

3. The Board has authority to deny an application for licensure on any ground for which a license may be revoked or suspended. Iowa Code § 147.4. The Board has authority to discipline a licensee for violation of a Board order. Iowa Admin. Code rule 657—36.1(4)(i).

4. **THEREFORE, IT IS HEREBY ORDERED** that the Applicant shall be issued an Iowa license to practice pharmacy, subject to successful completion of NAPLEX and MPJE, under the following conditions:

RECEIVED
JUL 23 2013
IOWA BOARD OF PHARMACY

a. Applicant's license to practice pharmacy in the State of Iowa shall be placed on PROBATION for two years from the date of initial licensure.

b. Applicant shall pay a civil penalty in the amount of \$500 within thirty (30) days of the date of this order. The civil penalty is made payable to the Treasurer of Iowa, mailed to the administrator of the Board, and shall be deposited into the State's General Fund.

c. Applicant shall upon reasonable notice appear before the Board at the time and place designated by the Board. The Applicant agrees that any meeting between himself and a Board member or members shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent case.

d. Applicant shall obey all federal, state, and local statutes and regulations governing the practice of pharmacy.

5. Applicant shall fully and promptly comply with this Agreement. In the event the Applicant violates or fails to comply with the terms and provisions of this Agreement, the Board may initiate appropriate action to revoke or suspend Applicant's license, to deny licensure renewal, or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

6. This Agreement shall be part of the Applicant's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. Applicant acknowledges that this proposed Agreement is subject to the approval of a majority of the full Board. If the Board fails to approve this Agreement, it shall be of no force or effect to either party.

8. By entering into this Agreement, the Applicant voluntarily waives any right to a contested case hearing regarding this matter. Once entered, this Agreement shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. Applicant acknowledges that he has read this Agreement in its entirety, that he understands its content and that he executed this Agreement freely and voluntarily.

10. Applicant understands that this Consent Agreement is a public record available for inspection and copying in accordance with Iowa Code chapter 22.

11. Applicant shall be allowed to sit for the NAPLEX and MPJE examinations upon approval of this Consent Order.

AGREED AND ACCEPTED:


Joseph J. Campanelli.


Edward Maier, CHAIRPERSON
IOWA BOARD OF PHARMACY

Dated this 17th day of
July, 2013.

Dated this 16th day of
July, 2013.

Copies to:

Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

Tom Crabb
ATTORNEY FOR APPLICANT

BEFORE THE IOWA BOARD OF PHARMACY

In the Matter of the Application for)	
Pharmacist Licensure of)	
)	
JOSEPH J. CAMPANELLI,	)	LICENSURE BY
Applicant.	)	CONSENT AGREEMENT

COMES NOW the Iowa Board of Pharmacy ("Board") and Joseph J. Campanelli ("Applicant"), and pursuant to Iowa Code section 17A.10 (2013), enter into this Consent Agreement ("Agreement").

1. On May 13, 2013, the Applicant made application to the Iowa Board of Pharmacy for pharmacist licensure.

2. At the time of his application, Applicant had a pending contested case before the Board, wherein it was alleged the Applicant violated a prior board order concerning the Applicant's pharmacist intern registration. The Applicant's pharmacist intern registration was granted by the Board, following a contested case hearing, subject to specific conditions underlined in the order. It was those conditions the Applicant was alleged to have violated.

3. The Board has authority to deny an application for licensure on any ground for which a license may be revoked or suspended. Iowa Code § 147.4. The Board has authority to discipline a licensee for violation of a Board order. Iowa Admin. Code rule 657—36.1(4)(i).

4. **THEREFORE, IT IS HEREBY ORDERED** that the Applicant shall be issued an Iowa license to practice pharmacy, subject to successful completion of NAPLEX and MPJE, under the following conditions:

a. Applicant's license to practice pharmacy in the State of Iowa shall be placed on PROBATION for two years from the date of initial licensure.

b. Applicant shall pay a civil penalty in the amount of \$500 within thirty (30) days of the date of this order. The civil penalty is made payable to the Treasurer of Iowa, mailed to the administrator of the Board, and shall be deposited into the State's General Fund.

c. Applicant shall upon reasonable notice appear before the Board at the time and place designated by the Board. The Applicant agrees that any meeting between himself and a Board member or members shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent case.

d. Applicant shall obey all federal, state, and local statutes and regulations governing the practice of pharmacy.

5. Applicant shall fully and promptly comply with this Agreement. In the event the Applicant violates or fails to comply with the terms and provisions of this Agreement, the Board may initiate appropriate action to revoke or suspend Applicant's license, to deny licensure renewal, or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

6. This Agreement shall be part of the Applicant's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. Applicant acknowledges that this proposed Agreement is subject to the approval of a majority of the full Board. If the Board fails to approve this Agreement, it shall be of no force or effect to either party.

8. By entering into this Agreement, the Applicant voluntarily waives any right to a contested case hearing regarding this matter. Once entered, this Agreement shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. Applicant acknowledges that he has read this Agreement in its entirety, that he understands its content and that he executed this Agreement freely and voluntarily.

10. Applicant understands that this Consent Agreement is a public record available for inspection and copying in accordance with Iowa Code chapter 22.

11. Applicant shall be allowed to sit for the NAPLEX and MPJE examinations upon approval of this Consent Order.

AGREED AND ACCEPTED:


Joseph J. Campanelli.


Edward Mater, CHAIRPERSON
IOWA BOARD OF PHARMACY

Dated this 17th day of
July, 2013.

Dated this 16th day of
July, 2013.

Copies to:

Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

Tom Crabb
ATTORNEY FOR APPLICANT

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE LICENSURE BY CONSENT AGREEMENT

JOSEPH J. CAMPANELLI, R.Ph., RESPONDENT

PHARMACIST NO. 22084

TERMINATION ORDER

DATE: January 14, 2014

1. On July 16, 2013, a Licensure by Consent agreement was entered into by the Iowa Board of Pharmacy and Joseph J. Campanelli, issuing an Iowa license to practice pharmacy, subject to the successful completion of NAPLEX and MPJE, two years probation under certain terms and conditions. Said license was issued on August 20, 2013.

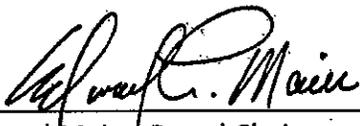
2. Respondent petitioned the Board on January 14, 2014, for release from probation.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should 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 PHARMACY



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