

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-63
Pharmacist License of)	
CHARLES CUTHBERT,)	STATEMENT OF CHARGES
License No. 17618,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy (hereinafter referred to as the "Board") 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 (2007).
3. On July 25, 1991, the Board issued Charles Cuthbert (hereinafter, "Respondent"), by examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 17618, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is active through June 30, 2009
5. Respondent's current address is 4848 Jersey Ridge Road, Apt. 21, Davenport, Iowa 52807.

A. CHARGES

COUNT I – LICENSE DISCIPLINE IN TENNESSEE

Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(8) and 155A.12(10) (2007) and 657 Iowa Administrative Code §§ 36.1(4)(j), 36.1(4)(ad) and 36.1(4)(ae), with having had his license to practice pharmacy in Tennessee suspended by consent on March 19, 2007.

COUNT II – FAILURE TO DISCLOSE DISCIPLINE

Respondent is charged under Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(k), with failure to notify the Board within 30 days of discipline in the State of Tennessee.

COUNT III – UNABLE TO PRACTICE DUE TO HABITUAL INTOXICATION

The Respondent is charged with an inability to practice with reasonable skill and safety by reason of habitual intoxication in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(d).

B. CIRCUMSTANCES

Circumstances supporting the above charge are set forth in Attachment A.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such disciplinary action as it may deem to be appropriate under the law.


LLOYD K. JESSEN
Executive Secretary/Director

On this 4th day of March 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


PAUL ABRAMOWITZ, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

Cuthbert-SOC.doc

ATTACHMENT A

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

Re: Pharmacist License of
CHARLES CUTHBERT
License No. 17618
Respondent

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**STIPULATION
AND
CONSENT ORDER**

On this 16th day of April, 2008, the Iowa Board of Pharmacy and Charles Cuthbert, of 4848 Jersey Ridge Road, Apt. 21, Davenport, Iowa 52807, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy, on the allegations specified in the Statement of Charges filed against Respondent on March 4, 2008, 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 25th day of July, 1991, by examination as evidenced by Pharmacist License Number 17618, which is recorded in the permanent records of the Iowa Board of Pharmacy.

2. That Iowa Pharmacist License Number 17618 issued to Respondent is active and current until June 30, 2009.

4. That the Iowa Board of Pharmacy has jurisdiction over the parties and the subject matter herein.

5. A Statement of Charges was filed against Respondent on March 4, 2008.

SECTION I

Respondent's pharmacist license number 17618 shall be placed on probation for five (5) years with the following terms and conditions, beginning on the date this Order is accepted by the Board:

- 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 fully inform any treating physician or other treating health care provider of his medical history. Additionally, Respondent shall not possess any controlled substance, except medications prescribed in accordance with this paragraph.
- c. Upon demand by an agent of the Board or as otherwise arranged by the Board, Respondent shall provide witnessed blood, urine, or hair specimens, with costs relating to analysis to be paid for by Respondent. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with this Stipulation and Consent Order and with any therapy ordered by Respondent's physician.
- d. Respondent shall comply with all treatment recommendations of his physician and/or counselor, if applicable. If treatment is required, the treatment program or physician/counselor shall submit quarterly reports to the Board documenting Respondent's compliance with the treatment program.
- e. Respondent shall file written, sworn quarterly reports with the Board attesting to 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 Respondent's probation. The quarterly reports shall include Respondent's place of employment, current home address, home telephone number, 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 if recommended by Respondent's physician or treatment-provider. If such meetings are required, Respondent shall append to each quarterly report, referred to in subparagraph (e) above, statements signed or initialed by another person in attendance at the AA and NA meetings, attesting to Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

g. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program.

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

i. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

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 Consent Order 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.

k. Respondent shall not manage, administer or be the pharmacist in charge of any pharmacy.

l. Respondent shall not be self-employed as a pharmacy owner/operator, nor supervise any registered intern, nor perform any of the duties of a pharmacy preceptor.

m. 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.

SECTION II

1. Respondent agrees to release all his medical records to the Board, including all medical records pertaining to treatment for any 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 five years from the date of the Board's approval of this Stipulation and Consent Order.

2. Should Respondent leave Iowa to reside or practice in another state, he shall notify the Board in writing fourteen (14) days prior to his departure and within fourteen (14) days of his return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period without prior request to and approval by the Board.

3. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and

opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or petition to revoke probation is filed against Respondent during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

4. Upon successful completion of probation, Respondent's license will be fully restored.

5. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed 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.

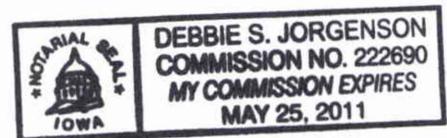
6. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 16th day of April, 2008.

Charles Cuthbert

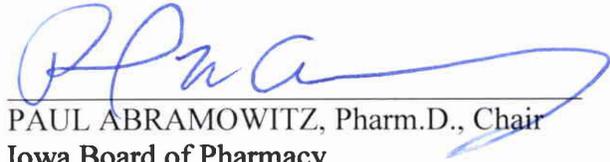
CHARLES CUTHBERT, R.Ph.
Respondent

Subscribed and Sworn to before me on this 16th day of April, 2008.

Debbie S. Jorgenson
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA



7. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2008.



PAUL ABRAMOWITZ, Pharm.D., Chair
Iowa Board of Pharmacy
RiverPoint Business Park
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309-4688