

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-25
Pharmacist License of)	
VIORICA DUTA)	STATEMENT OF CHARGES
License No. 18180)	
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2009).
3. On May 9, 1994, the Board issued Viorica Duta (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 18180, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2011.
5. Respondent's address of record is 23 Fischer Lane, Fort Thomas, Kentucky 41075.
6. Respondent was, at all times material to this statement of charges, employed outside the State of Iowa and licensed in Ohio.

A. CHARGES

COUNT I – VIOLATING LAWS OF ANOTHER JURISDICTION

Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2009), and 657 Iowa Administrative Code § 36.1(4)(ad), with violating Ohio law relating to licensure of pharmacists.

COUNT II – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION

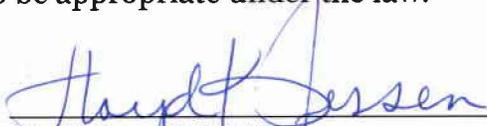
Respondent is charged under Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of a licensing authority in another state within thirty days of that decision.

B. CIRCUMSTANCES

An investigation commenced on March 26, 2010 which revealed the following:

1. Respondent is licensed as a pharmacist in the State of Ohio.
2. On February 17, 2010 Respondent signed a disciplinary agreement with the Ohio State Board of Pharmacy, which was finalized March 8, 2010.
3. The disciplinary agreement arose from a failure of Respondent to obtain sufficient continuing education credits to satisfy Ohio requirements.
4. The disciplinary agreement provides for Respondent to complete continuing education requirements and pay a \$250 fine.
5. Respondent has not given the Iowa Board of Pharmacy notice of the disciplinary action in Ohio.

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.



LLOYD K. JESSEN
Executive Director

On this 20 day of July 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON BENJAMIN, 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

Duta-SOC 7-10

BEFORE THE IOWA BOARD OF PHARMACY EXAMINERS

Re:
Pharmacist License of
VIORICA E. DUTA
License No. 18180
Respondent

RECEIVED
OCT 22 2010
IOWA BOARD OF PHARMACY

Case No. 2010-25

**STIPULATED
CITATION
AND WARNING**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), and 657 I.A.C. § 36.1(2) (j), the Iowa Board of Pharmacy (hereinafter, “the Board”) and Viorica E. Duta (hereinafter, “Respondent”), enter into the following stipulated Citation and Warning, settling a licensee disciplinary proceeding currently pending before the Board.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on May 9, 1994, after examination, as evidenced by Pharmacist License Number 18180 which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2011.
3. A Statement of Charges was filed against Respondent on July 20, 2010.
4. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist in the State of Ohio.
5. The Board has jurisdiction over the Respondent and jurisdiction over the subject matter of these proceedings.
6. For the purposes of this stipulated Citation and Warning, Respondent does not

contest the allegations set forth in the Statement of Charges. Respondent accepts, pursuant to 657 I.A.C. § 36.1(2)(j), this citation and warning for her failure to timely obtain sufficient continuing education credits to meet Ohio requirements.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$250. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, by check made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

8. Should the Respondent violate or fail to comply with any of the terms or conditions of this stipulated Citation and Warning, 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 (2009), and 657 IAC § 36.

9. This stipulated Citation and Warning is the resolution of a contested case. By entering into this stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this stipulated Citation and Warning.

10. The State's legal counsel may present this Stipulation and Consent Order to the Board.

11. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this stipulated Citation and Warning, it shall be of no force or effect to either the Board or Respondent. If the Board approves this stipulated Citation

and Warning, it shall be the full and final resolution of this matter.

12. The Board's approval of this stipulated Citation and Warning shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the ___ day of _____ 2010.



VIORICA E. DUTA, R.Ph.
Respondent

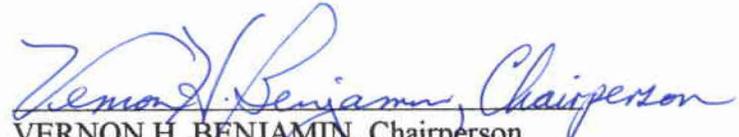
Subscribed and sworn to before me by Viorica E. Duta on this 20 day of

Oct.



KIMBERLY POINSETT
Notary Public, Kentucky
State At Large
My Commission Expires December 3, 2011
Notary Public in and for
THE STATE OF IOWA KY

This stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on this 3rd day of November 2010.



VERNON H. BENJAMIN, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Viorica E. Duta
23 Fisher Lane
Fort Thomas, KY 41075