

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

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Re:	)	Case No. 2002-15928
Pharmacist License of	)	
<b>FRANK J. FILIPPELLI</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15928	)	
Respondent	)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners 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 (2001).
3. On July 22, 1981, the Board issued Respondent, Frank J. Filippelli, a license to engage in the practice of pharmacy by examination as evidenced by license number 15928, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15928 is current and active until June 30, 2003.
5. Respondent's current address is P.O. Box 2331, Cedar Rapids, Iowa 52406.
6. Upon information and belief, the Respondent is currently working as a pharmacist.

COUNT I

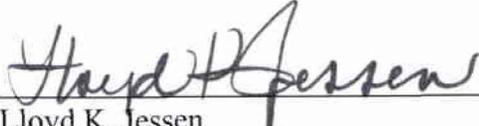
The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.1(4)(u) with violation of the laws of the State of Iowa and the United States relating to controlled substances by possessing controlled substances in violation of Iowa Code §§ 124.401(5), 124.403(c), 124.210 & 155A.23.

THE CIRCUMSTANCES

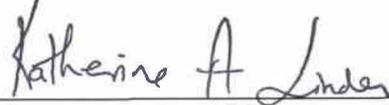
1. The Board received information indicating the Respondent is guilty of violating a statute or law which is a violation of the controlled substances laws and which relates to the practice of pharmacy.

2. In December 2001, the Respondent was charged in Johnson County, Iowa, with two counts of illegal possession of controlled substances, chloral hydrate and brevital sodium.
3. The Responded pled guilty to one count of illegal possession of a Schedule IV controlled substance, brevital sodium.
4. On or about May 9, 2002, as a result of his guilty plea, the Respondent was given a deferred judgment and place on self-supervised probation for a period of one year.
5. The Respondent has admitted on several occasions that he had a variety of controlled substances in his possession at one time.

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 Secretary/Director

On this 4<sup>th</sup> day of Dec., 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
\_\_\_\_\_  
Katherine A. Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant 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:	)	Case No. 2002-15928
Pharmacist License of	)	
<b>FRANK J. FILIPPELLI</b>	)	<b>STIPULATION</b>
License No. 15928	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Frank J. Filippelli, R.Ph. (hereinafter, “Respondent”) enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Board, based on allegations specified in a Statement of Charges filed December 4, 2002. The Board and Respondent hereby agree that the contested case shall be resolved without proceeding to hearing, and stipulate to the following:

1. Respondent was issued a license to practice pharmacy in Iowa on July 22, 1981, by examination, as evidenced by Pharmacist License Number 15928, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 15928 is active and current until June 30, 2003.
3. Respondent is not currently employed as a pharmacist.
4. A Statement of Charges was filed against Respondent on December 4, 2002.
5. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these contested case proceedings.
6. Respondent does not contest the allegations set forth in the Statement of Charges and agrees to both the suspension of his license to practice pharmacy in Iowa and to the

additional discipline as described herein.

7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be suspended for a six-month period. Said six-month suspension shall be deemed to have commenced on May 22, 2002, ending on November 22, 2002, and will run concurrently with a suspension of Respondent's medical license, as ordered by the Iowa Board of Medical Examiners.

8. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of five years, under the following terms and conditions:

- a. Respondent shall not possess for personal purposes or 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.
- b. Respondent may, within the ordinary course of his practice as a physician, possess, dispense and administer controlled substances and prescription drugs exclusively for the use of others.
- c. Notwithstanding paragraph "b" immediately above, Respondent shall not possess, administer or dispense any drug used to incapacitate human beings for inappropriate or unlawful purposes.
- d. In conjunction with a disciplinary proceeding before the Iowa Board of Medical Examiners, Respondent has agreed to participate in a program of continued counseling and treatment. Within ten days of the date of this order,

Respondent shall request that his counselor, Dr. Paul Eggerman, supply the Board with all written evaluations, examinations, reports, materials and other information generated as a part of Respondent's participation in such program of counseling and treatment. Subsequent to the date of this order, Dr. Eggerman, or any other treatment program or physician/counselor utilized by Respondent, shall submit quarterly reports to the Board documenting Respondent's participation in and compliance with the treatment program. Respondent hereby agrees to comply with all treatment recommendations of his treatment program and his physician and/or counselor.

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 or work telephone number, and any further information deemed necessary by the Board from time to time.

f. Respondent shall make personal appearances before the Board or a Board committee upon the Board's request. Respondent shall be given reasonable notice of the date, time, and location for such appearances.

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

h. Respondent shall provide evidence of efforts to maintain skill and

knowledge as a pharmacist through continuing education (CE) as directed by the Board.

i. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

j. Respondent shall not serve as a pharmacist in charge of a pharmacy, as defined in 657 IAC 6.2, but may be employed as the only pharmacist on duty during a particular pharmacy shift.

k. During probation, 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 change.

9. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for 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) 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.

10. 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 Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacy license is or will be utilized in the course of his employment. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall

cause his employer to report to the Board in writing, acknowledging that the employer has read this Stipulation and Consent Order and understands it.

11. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$5000, payable in four quarterly payments of \$1250 each, the first such payment due three months after the date of this Stipulation and Consent Order, with subsequent payments due on or before January 1, 2004, April 1, 2004, and July 1, 2004. The civil penalty payments shall be 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.

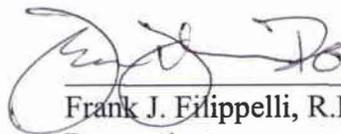
12. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or further suspend the Respondent's Iowa pharmacist license, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003), and 657 IAC 36.

13. By entering into this Stipulation and Consent 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 Stipulation and Consent Order.

14. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, 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 these contested case proceedings.

15. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 26 day of June 2003.



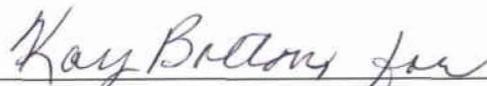
Frank J. Filippelli, R.Ph.  
Respondent

Subscribed and sworn to before me by Frank J. Filippelli on this 29 day of June 2003.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 29 day of ~~June~~ 2003.

July

  
KATHERINE A. LINDER, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
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