

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

Re:)
Pharmacist License of)
RIC E. FOREMAN) **STATEMENT OF CHARGES**
License No. 15324)
Respondent)

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 155A and 272C (1995).
3. On August 8, 1978, Ric E. Foreman, the Respondent, was issued license number 15324 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 15324 is currently delinquent and has been delinquent due to non-renewal since June 30, 1996.
5. Respondent currently resides at 1883 Audubon Drive, Waterloo, Iowa 50701.
6. Respondent is currently employed as the pharmacist in charge of Evansdale Pharmacy in Evansdale, Iowa.

COUNT I

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(2), and 155A.12(3) (1995) and 657 Iowa Administrative Code Sections 8.5(1), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) with making a misleading, deceptive, untrue, or fraudulent representation in the practice of pharmacy.

COUNT II

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(2), and 155A.12(3) (1995) and 657 Iowa Administrative Code Sections 9.1(4)(j), 9.1(4)(o), and 9.1(4)(u) with submitting a false report of continuing pharmaceutical education.

COUNT III

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(2), and 155A.12(3) (1995) and 657 Iowa Administrative Code Sections 9.1(4)(j), 9.1(4)(u), and 9.1(4)(v) with practicing pharmacy without an active and current license.

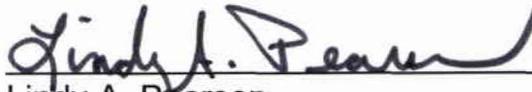
THE CIRCUMSTANCES

1. Respondent failed to renew his Iowa pharmacist license number 15324 when it expired on June 30, 1996. Since June 30, 1996, Respondent has continued to practice pharmacy without an active and current license and has continued to serve as the pharmacist in charge of Evansdale Pharmacy in Evansdale, Iowa.

2. On or about September 13, 1996, Respondent submitted an incomplete pharmacist license renewal application. On the application,

Respondent indicated that he had completed 30 hours of continuing pharmaceutical education between July 1, 1994, and June 30, 1996. On September 17, 1996, Respondent admitted to a board investigator that he had falsified his report of continuing pharmaceutical education contained in his pharmacist license renewal application.

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 18th day of September, 1996, 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

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

Re: Pharmacist License of
RIC E. FOREMAN
License No. 15324
Respondent

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**STIPULATION
AND
INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Ric E. Foreman, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 8th day of August, 1978, by examination, as evidenced by license number 15324, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 15324 issued to and held by Respondent was current and active until June 30, 1996.
3. Respondent is self-employed as the owner and pharmacist in charge of the Evansdale Pharmacy of Evansdale, Iowa.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 23, 1996.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims.

7. Respondent's license to practice pharmacy is suspended for a period of six (6) months. The suspension is stayed, however, and the Respondent's license is placed on probation for a period of five (5) years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

b. 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 December 5, 1997.

c. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

d. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

8. Respondent shall notify any and all 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.

9. Should Respondent leave Iowa to reside in and practice pharmacy in another State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence and practice outside the State shall not apply to reduction of the probationary period.

10. Respondent shall pay a civil penalty of \$1,500.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

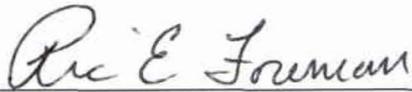
11. Respondent shall complete an additional fifteen (15) hours of continuing pharmacy education during the first twelve (12) months of the probationary period. Documentation of successful completion of this continuing education shall be submitted to the Board. These courses are in addition to the thirty (30) hours of continuing education required for license renewal.

12. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a 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.

13. Upon successful completion of probation, Respondent's certificate will be fully restored.

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

15. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 28 day of August, 1997.



RIC E. FOREMAN, R.Ph.
Respondent

Subscribed and Sworn to before me on this 28 day of August, 1997.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

16. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10th day of September, 1997.



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