

THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of :
DAVID G. HOON : COMPLAINT
License No. 12849 : AND
Respondent : STATEMENT OF CHARGES

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, on this 26th day of May, 1989, and files this Complaint and Statement of Charges against David G. Hoon, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Rollin C. Bridge, Chairperson; Melba L. Scaglione, Vice Chairperson; Donna J. Flower; Marian L. Roberts; John F. Rode; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on January 23, 1963, by examination.

3. Respondent is employed as a staff pharmacist at Revco Discount Drug #3001 located at 3113 16th Avenue SW, Cedar Rapids, Iowa 52404.

4. Respondent currently resides at 1830 Somerset Drive, Marion, Iowa 52302.

5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1990.

6. On July 20, 1984, Respondent was issued an administrative warning for making a dispensing error on prescription number 519969 on August 24, 1983, and on April 3, 1984, when each time he dispensed Sinemet 25/250 in place of the prescribed drug, Sinemet 25/100.

7. An investigative report filed with the Board on January 11, 1989, revealed that Respondent made a similar dispensing error on prescription number 719232 on January 4, 1989, when he dispensed a controlled-release product, M.S. Contin 30mg, in place of the prescribed drug, Morphine 30mg, a noncontrolled-release product. As a result, the patient received an overdosage of morphine for a period of five days.

On the basis of paragraphs 6 and 7 above, the Iowa Board of Pharmacy Examiners finds that Respondent has demonstrated professional incompetency in the practice of pharmacy.

8. Respondent is guilty of violating 1989 Iowa Code section 155A.12(1) by virtue of the allegations in paragraphs 6 and 7.

Iowa Code section 155A.12(1) provides, in part, the following:

The board...may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the... licensee has...violated any provision of this chapter or any rules of the board adopted under this chapter.

9. Respondent is guilty of violations of 657 Iowa Administrative Code section 9.1(4)(b) by virtue of the allegations in paragraphs 6 and 7.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

b. Professional incompetency. Professional incompetency includes but is not limited to:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the pharmacist's practice.

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

(3) A failure by a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar circumstances.

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

The Iowa Board of Pharmacy Examiners finds that paragraphs 8 and 9, above, constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

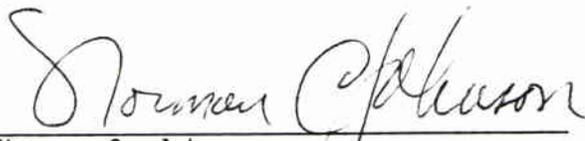
WHEREFORE, the undersigned charges that David G. Hoon has violated 1989 Iowa Code section 155A.12(1) and 657 Iowa Administrative Code section 9.1(4)(b).

IT IS HEREBY ORDERED that David G. Hoon appear before the Iowa Board of Pharmacy Examiners on July 11, 1989, at 9:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to David G. Hoon on January 23, 1963, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. The failure of Respondent to appear could result in the permanent suspension or revocation of his license. Information regarding the hearing may be obtained from Thomas D. McGrane, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson
Executive Secretary

b. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.

c. Licensee shall report to the Board or its designee quarterly. Said report shall be in writing, as directed. Should the final probation report not be made as directed, the period of probation shall be extended until such time as the final report is made. Reports shall be submitted no later than October 15, 1989, and January 15, 1990.

d. Licensee shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

e. Licensee shall notify all present and prospective employers of the decision in this case and the terms, conditions and restrictions imposed on Licensee by said decision. Within 30 days of the effective date of this decision, and within 15 days of Licensee undertaking new employment, Licensee shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in this case.

f. From September 1, 1989, and until completion of probation, Licensee shall not supervise any registered intern and shall not perform any duties of a preceptor.

g. Should Licensee leave Iowa to reside or practice outside this state, Licensee must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

h. Should Licensee violate probation in any respect, the Board, after giving Licensee notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Licensee 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.

i. Upon successful completion of probation, Licensee's certificate will be fully restored.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.



David G. Hoon, Licensee



Rollin C. Bridge, Chairman
Iowa Board of Pharmacy Examiners

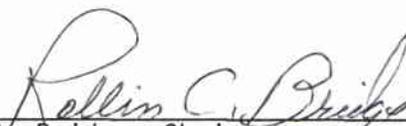
BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of Pharmacist :
 :
 : ORDER AND CONSENT TO ORDER
DAVID G. HOON :
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The Iowa Board of Pharmacy Examiners, having been advised of the allegations that David G. Hoon has conducted himself in a manner which could cause his license to practice pharmacy to be suspended or revoked, and the Board of Pharmacy Examiners through a Board Member and said David G. Hoon, having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in the Iowa Administrative Code appearing at Chapter 17A, particularly Section 17A.12 and Section 17A.18, Code of Iowa 1989, in regards to Notice and Hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of David G. Hoon to practice pharmacy in Iowa will be suspended according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to David G. Hoon's consent to be contained herein to this Order, that the License of David G. Hoon to practice pharmacy in Iowa be suspended according to the conditions outlined in the Stipulation attached hereto and made part of this Order.



Rollin C. Bridge, Chairman
Iowa Board of Pharmacy Examiners

Date 7/20/89

CONSENT TO ORDER

I, David G. Hoon, hereby consent to the Order set forth above, waive my right to a hearing in this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record and judicial review.



David G. Hoon

Date 7-27-89