

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of	}	
ALAN BRADLEY HOTZ	}	<b>COMPLAINT</b>
License No. 14768	}	<b>AND</b>
Respondent	}	<b>STATEMENT</b>
	}	<b>OF CHARGES</b>
	}	<b>AND</b>
	}	<b>NOTICE OF HEARING</b>

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**COMES NOW**, Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 3rd day of February, 1992, and files this Complaint and Statement of Charges against Alan Bradley Hotz, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on July 1, 1976, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1992.

4. Respondent was issued a registration to practice pharmacy in Nevada (certificate of registration number 6858).

5. Respondent currently resides at 4006 Deerfield Avenue in Las Vegas, Nevada 89117.

6. Respondent's license to practice pharmacy in Nevada (registration number 6858) was subjected to the following disciplinary action by the Nevada State Board of Pharmacy:

a. On July 31, 1990, the Nevada State Board of Pharmacy filed an Accusation (Case No. 89-057-RPH-S) against Respondent setting forth 2 counts alleging incidents of violation of Nevada pharmacy law.

b. On December 6, 1990, the Nevada State Board of Pharmacy approved a Stipulation and Order which disciplined Respondent's license to practice pharmacy in Nevada.

7. On November 25, 1991, the Board received a certified copy of the Accusation in Case No. 89-057-RPH-S titled Nevada State Board of Pharmacy v. A. Bradley Hotz from the Nevada State Board of Pharmacy. The Accusation set forth 2 counts alleging

incidents of violation of Nevada pharmacy law. A copy of the Nevada Accusation is attached hereto as Exhibit 1 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

8. On November 25, 1991, the Board also received a certified copy of the Stipulation and Order in Case No. 89-057-RPH-S titled Nevada State Board of Pharmacy v. A. Bradley Hotz from the Nevada State Board of Pharmacy. A copy of the Nevada Stipulation and Order is attached hereto as Exhibit 2 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

9. Respondent failed to report to the Board the disciplinary action taken against his Nevada pharmacist registration number 6858 on December 6, 1990, by the Nevada State Board of Pharmacy.

10. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), and 155A.12(10) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

1991 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or 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 applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

4. Failed to keep and maintain records required by this chapter or failed to keep and maintain complete and accurate records of purchases and disposal of drugs listed in the controlled substances Act.

5. Violated any provision of the controlled substances Act or rules relating to that Act.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

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:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

**WHEREFORE**, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), and 155A.12(10) and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u).

**IT IS HEREBY ORDERED**, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Alan Bradley Hotz appear before the Iowa Board of Pharmacy Examiners on Tuesday, April 28, 1992, at 10:00 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 Alan Bradley Hotz on July 1, 1976, 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. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS

  
Lloyd K. Jesser  
Executive Secretary

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\* EXHIBIT 1 \*  
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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 89-057-RPH-S

Petitioner,

v.

A. BRADLEY HOTZ, R.Ph  
Certificate of Registration Number: 6858

Respondent.

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ACCUSATION

COMES NOW Keith W. Macdonald, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and alleges as follows:

FIRST CAUSE OF ACTION

I.

At all times mentioned herein, respondent Hotz was a registered pharmacist in the State of Nevada.

II.

During the period of March 12, 1987 through September 6, 1989, Hotz dispensed prescription medications on 97 occasions to one Tom McCauley. Hotz did so on the basis of prescriptions which purportedly were transmitted to him by practitioners over the telephone. A record of the medications dispensed by Hotz is attached as Exhibit A and by this reference is incorporated into this Accusation.

III.

No authorized original prescription or refill existed in any of the 97 specified instances in which Hotz dispensed prescription medication to McCauley.

IV.

Hotz knew that some or all of the purported prescriptions in question were not legitimate.

V.

In filling some or all of the purported prescriptions and dispensing the medications in question, Hotz committed multiple violations of NRS 453.256(3),(4), NRS 453.377(1) and NAC 639.400(1),(g),(h).

VI.

The above violations constitute grounds for disciplinary action against Hotz under NRS 639.210(4),(11).

SECOND CAUSE OF ACTION

I.

Paragraphs I through III, inclusive, and Paragraph VI of the First Cause of Action are by this reference incorporated in their entirety into the Second Cause of Action.

II.

Hotz had reason to know that some or all of the purported prescriptions in question were not legitimate.

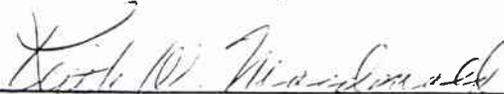
III.

In filling some or all of the purported prescriptions and dispensing the medications in question, Hotz committed multiple

violations of NRS 453.256(3),(4), NRS 453.377(1), NRS 453.381(4) and NAC 639.400(1),(i).

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the pharmacist's certificate of registration of A. Bradley Hotz.

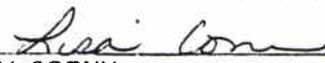
DATED this 31 day of July, 1990.

  
\_\_\_\_\_  
Keith W. Macdonald, Executive Secretary  
Nevada State Board of Pharmacy

STATE OF NEVADA

I, LISA CORNU, OFFICIAL CUSTODIAN OF THE RECORDS, DO HEREBY CERTIFY THAT THIS / THESE DOCUMENT(S) IS / ARE TRUE AND CORRECT COPY / COPIES OF THE ORIGINAL(S) ON FILE IN THIS OFFICE.

DATE 11/22/91

  
\_\_\_\_\_  
LISA CORNU  
BOARD COORDINATOR  
NEVADA STATE BOARD OF PHARMACY



## EXHIBIT A

## Attachment to Notice of Intended Action

Case No. 89-057-RPH-S

DATE	RX #	DRUG	QUANTITY	PHYSICIAN
3/12/87	4002749	Restoril 15mg	5	Stoermer
3/16/87	6010918	Cyanocobal 1000mcg	10	Stoermer
3/19/87	4002749	Restoril 15mg	5	Stoermer
3/22/87	6011165	Anusol-HC Supp	4	Stoermer
3/26/87	4002749	Restoril 15mg	5	Stoermer
4/01/87	4002749	Restoril 15mg	4	Stoermer
4/09/87	6010918	Cyanocobal 1000mcg	10	Stoermer
4/10/87	4002974	Ativan 1mg	23	Stoermer
4/22/87	6010918	Cyanocobal 1000mcg	30	Stoermer
5/04/87	4003414	Dalmane 15mg	30	Stoermer
5/11/87	4003380	Ativan 1mg	15	Stoermer
5/15/87	4003380	Ativan 1mg	15	Stoermer
6/13/87	6010918	Cyanocobal 1000mcg	10	Stoermer
6/16/87	4003644	Ativan 1mg	50	Stoermer
6/29/87	6015522	KCl 10% Sol	480	Stoermer
6/29/87	6015522	KCl 10% Sol	480	Stoermer
7/01/87	4003644	Ativan 1mg	25	Stoermer
7/09/87	4003644	Ativan 1mg	25	Stoermer
7/09/87	6010918	Cyanocobal 1000mcg	10	Stoermer
7/12/87	4003414	Dalmane 15mg	30	Stoermer
7/15/87	4002838	Xanax 0.5	30	Stoermer
10/01/87	6001287	Cyanocobal 1000mcg	20	Mayor
10/29/87	4000340	Ativan 1mg	20	Mayor
11/09/87	4000340	Ativan 1mg	25	Mayor
11/09/87	6002064	KCl 10% Sol	480	Mayor
11/17/87	4000340	Ativan 1mg	25	Mayor
11/27/87	4000340	Ativan 1mg	30	Mayor
12/11/87	4000340	Ativan 1mg	15	Mayor
12/11/87	4000524	Dalmane 15mg	2	Mayor
12/17/87	4000340	Ativan 1mg	20	Mayor
12/26/87	4000599	Ativan 1mg	25	Mayor
01/04/88	4000599	Ativan 1mg	30	Mayor
01/09/88	4000599	Ativan 1mg	10	Mayor
01/20/88	6001287	Cyanocobal 1000mcg	30	Mayor
01/19/88	4000599	Ativan 1mg	60	Mayor
01/29/88	4000524	Dalmane 15mg	10	Mayor
01/29/88	6004140	Anusol-HC Supp	6	Mayor
01/29/88	6001287	Cyanocobal 1000mcg	30	Mayor
02/11/88	4000524	Dalmane 15mg	10	Mayor
02/11/88	4000599	Ativan 1mg	20	Mayor

Attachment to Intended Action  
Page 2

02/22/88	4000524	Dalmane 15mg	8	Mayor
02/23/88	6002064	KCl 10% Sol	480	Mayor
03/01/88	4000524	Dalmane 15mg	10	Mayor
03/14/88	4000524	Dalmane 15mg	10	Mayor
03/14/88	6001287	Cyanocobal 1000mcg	30	Mayor
03/15/88	4001036	Xanax 0.5	50	Mayor
04/09/88	4001036	Xanax 0.5	50	Mayor
04/23/88	4001036	Xanax 0.5	50	Mayor
05/07/88	6002064	KCl 10% Sol	480	Mayor
05/13/88	4001361	Dalmane 30mg	20	Mayor
05/13/88	6006980	Elavil 25mg	20	Mayor
05/13/88	6001287	Cyanocobal 1000mcg	30	Mayor
05/16/88	6004140	Anusol-HC Supp	12	Mayor
08/12/88	6001287	Cyanocobal 1000mcg	30	Mayor
08/12/88	4001036	Xanax 0.5	40	Mayor
08/12/88	6002064	KCl 10% Sol	480	Mayor
08/23/88	4001036	Xanax 0.5	40	Mayor
09/06/88	4002023	Ativan 1mg	60	Mayor
09/06/88	6001287	Cyanocobal 1000mcg	30	Mayor
09/23/88	4002023	Ativan 1mg	60	Mayor
09/29/88	6002064	KCl 10% Sol	480	Mayor
10/06/88	4002073	Ativan 1mg	60	Mayor
10/14/88	6011198	Cyanocobal 1000mcg	30	Mayor
10/14/88	4002023	Ativan 1mg	60	Mayor
01/31/89	4002023	Ativan 1mg	60	Mayor
02/01/89	6011198	Cyanocobal 1000mcg	30	Mayor
02/03/89	4003085	Xanax 0.5	50	Mayor
02/16/89	4002023	Ativan 1mg	60	Mayor
02/16/89	6011198	Cyanocobal 1000mcg	30	Mayor
02/16/89	4003085	Xanax 0.5	50	Mayor
02/23/89	4003085	Xanax 0.5	50	Mayor
02/23/89	6016019	KCl 10% Sol	480	Mayor
03/06/89	4003314	Ativan 1mg	60	Mayor
03/15/89	4003085	Xanax 0.5	50	Mayor
03/15/89	4003314	Ativan 1mg	60	Mayor
03/23/89	4003440	Serax 15mg	60	Mayor
04/10/89	4003314	Ativan 1mg	60	Mayor
04/14/89	4003440	Serax 15mg	15	Mayor
04/27/89	4003314	Ativan 1mg	50	Mayor
05/03/89	6016019	KCl 10% Sol	480	Mayor

Attachment to Intended Action  
Page 3

05/03/89	6011198	Cyanocobal 1000mcg	30	Mayor
05/10/89	4003085	Xanax 0.5	50	Mayor
05/18/89	4003314	Ativan 1mg	60	Mayor
05/23/89	4003085	Xanax 0.5	10	Mayor
05/31/89	4003314	Ativan 1mg	60	Mayor
05/31/89	4003889	Xanax 0.5	50	Mayor
06/07/89	6019932	Anusol-HC Supp	12	Mayor
06/16/89	4004030	Ativan 1mg	60	Mayor
06/21/89	4003889	Xanax 0.5	50	Mayor
06/27/89	4004030	Ativan 1mg	60	Mayor
06/30/89	6011198	Cyanocobal 1000mcg	30	Mayor
07/05/89	4004030	Ativan 1mg	60	Mayor
07/28/89	4004030	Ativan 1mg	60	Mayor
08/11/89	6011198	Cyanocobal 1000mcg	30	Mayor
08/23/89	4004030	Ativan 1mg	60	Mayor
08/23/89	6016019	KCl 10% Sol	480	Mayor
09/06/89	4004030	Ativan 1mg	60	Mayor

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\* EXHIBIT 2 \*  
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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,  
Petitioner,

Case No. 89-057-RPH-S

v.

A. BRADLEY HOTZ, R.PH  
Certificate of Registration  
No. 6858,

STIPULATION AND ORDER

Respondent.

In settlement of the charges set forth in the Accusation in this matter, Petitioner Nevada State Board of Pharmacy ("Board"), by and through their prosecutor, ROBERT KIRKMAN, Deputy Attorney General, and A. Bradley Hotz ("Hotz"), by and through his attorney, HOWARD ECKER, ESQ., of the law firm of ECKER & STANDISH, CHARTERED, stipulate as follows:

1. Hotz has received or been duly served with a Notice of Intended Action and an Accusation in this matter.

2. Hotz is represented by counsel in this matter.

3. Hotz is fully aware of his right to have a hearing on the matters alleged in the Accusation, his right to reconsideration, appeal, and any and all other rights which may be accorded to him by the Nevada Administrative Procedure Act, the Nevada Pharmacy Act, and the Federal Constitution.

4. Hotz is and at all time herein mentioned was a registered pharmacist (Certificate of Registration No. 6858) in the State of Nevada.

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1           5. Pursuant to an agreement between Howard Ecker, attorney  
2 for Hotz, and Robert Kirkman, Deputy Attorney General and  
3 prosecutor for the Board, Hotz voluntarily took and passed a  
4 polygraph examination. Said polygraph examination was arranged  
5 for and the polygrapher selected by the prosecutor for the Board.  
6 Hotz was determined to be truthful when he stated that he (Hotz)  
7 did not know that the prescriptions being filled, as contained in  
8 the Accusation, were false, illegitimate or illegal at the time  
9 they were filled.

10           6. Hotz admits all of the allegations in the Second Cause  
11 of Action of the Accusation, including the allegations that he  
12 filled numerous purported prescriptions for controlled substances  
13 even though he should have known the prescriptions were not  
14 legitimate.

15           7. Based on the above, the following penalties will be  
16 imposed:

17           A. The Certificate of Registration of Hotz is  
18 suspended for a period of one year. The suspension is stayed  
19 and Hotz is placed on probation for a period of one year,  
20 subject to the following conditions:

- 21           1) Hotz shall refrain from accepting or filling any
- 22           telephone prescriptions during probation.
- 23           2. Hotz shall comply with all statutes and regulations
- 24           pertaining to the practice of pharmacy.

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B. Hotz shall pay a fine in the amount of \$1,500, to be paid in full no later than sixty (60) days after the date on which the instant Stipulation and Order takes effect. Hotz shall also fully reimburse the Board within sixty (60) days for the cost of the drug testing carried out in conjunction with the polygraph examination conducted in this matter.

C. A private reprimand will be issued to Hotz.

If Hotz violates probation in any respect, the Board, after giving Hotz notice and an opportunity to be heard, may carry out the disciplinary order which was stayed by suspending Hotz' Certificate of Registration for one year. Violation of any statutes and regulations pertaining to the practice of pharmacy may constitute grounds for additional disciplinary sanctions. If the petition to revoke probation is filed against Hotz during probation, the Board shall have continuing jurisdiction over the matter until it is final.

8. In exchange for the above, the Board agrees to forego further disciplinary action against Hotz on the basis of the charges contained in the Accusation in this matter.

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9. If this Stipulation is not accepted in its entirety by the Board, it shall have no effect whatsoever. In agreeing to submit the instant Stipulation and Order to the Board, Hotz waives any objection he may have had otherwise to the Board members hearing this matter.

DATED this 6 day of December, 1990.

OFFICE OF THE ATTORNEY GENERAL                      ECKER & STANDISH, CHARTERED

By: Robert Kirkman  
ROBERT KIRKMAN,  
Deputy Attorney General  
Capitol Complex  
Carson City, Nevada 89710  
Prosecutor for Board

By: Howard Ecker  
HOWARD ECKER, ESQ.  
611 Valley Bank Plaza  
300 South Fourth Street  
Las Vegas, Nevada 89101  
Attorney for Respondent

I have fully read and considered the allegations in the Accusation and the contents of the instant Stipulation and Order. I understand my right to a hearing, as well as my right to reconsideration, appeal and any and all other rights accorded to me under the Nevada Administrative Procedures Act and the Federal Constitution. I have discussed all of the above matters with my attorney, and I hereby freely and voluntarily waive all of the above rights and agree to the terms of the instant Stipulation.

A. Bradley Hotz  
A. BRADLEY HOTZ, Respondent

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ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision in this matter (Case No. 89-057-RPH-S). This decision shall be effective on the 6 day of Dec, 1990.

DATED this 6 day of December, 1990.

NEVADA STATE BOARD OF PHARMACY

BY: Jeffrey P. Monaghan  
JEFFREY P. MONAGHAN,  
President

LAW OFFICES  
**ECKER & STANDISH, CHARTERED**  
A PROFESSIONAL CORPORATION  
VALLEY BANK PLAZA, SUITE 811  
300 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
(702) 384-1700

STATE OF NEVADA

LISA CORNU, OFFICIAL CUSTODIAN OF THE RECORDS, HEREBY CERTIFY THAT THIS / THESE INSTRUMENT(S) ARE TRUE AND CORRECT COPY / COPIES OF THE ORIGINAL(S) ON FILE IN THIS OFFICE.

DATE 11/22/91

Lisa Cornu  
LISA CORNU  
BOARD COORDINATOR  
NEVADA STATE BOARD OF PHARMACY

**FILED**  
12/6/90