

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

Re:	)	Case No. 2004-57
Pharmacist License of	)	
<b>KEVIN L. LANDERS,</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 16839,	)	
Respondent.	)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") 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 (2003).
3. On February 27, 1987, the Board issued Respondent, Kevin L. Landers, by examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 16839, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is current and active until June 30, 2005.
5. Respondent's current address is 3115 Morrison Avenue, Sioux City, Iowa 51104-2415.

**A. CHARGES**

**COUNT I – UNPROFESSIONAL CONDUCT**

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 8.11(8) with unprofessional conduct in connection with the practice of pharmacy; specifically; exposing himself in the parking lot of a pharmacy.

B. CIRCUMSTANCES

On or about June 29, 2004, Respondent self-reported – in connection with his license renewal application – his conviction of the serious misdemeanor indecent exposure. A review of the records related to the conviction reveals the following:

1. In a Walgreens parking lot, Respondent parked his car – with the license plate “KSJHAWKS” – next to the car of an adult woman. When the woman returned, he exposed himself to her, then followed her to another location.
2. Respondent admitted to police officers that – with the exception of following the woman to her next stop – he had followed this general pattern of behavior at least twenty times before.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such disciplinary action as it may deem to be appropriate under the law.

  
Lloyd K. Jessen  
Executive Secretary/Director

On this 7 day of October 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Michael J Seifert, Chairperson  
Iowa Board of Pharmacy Examiners  
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

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

Re:	)	Case No. 2004-57
Pharmacist License of	)	
<b>KEVIN L. LANDERS</b>	)	
License No. 16839	)	<b>STIPULATION</b>
Respondent	)	<b>AND</b>
		<b>CONSENT ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Kevin L. Landers (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

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 February 28, 1987, following examination, as evidenced by Pharmacist License Number 16839, which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent was active and current until June 30, 2006.
3. A Statement of Charges was filed against Respondent on October 7, 2004.
4. The Board has jurisdiction over the Respondent and jurisdiction over the subject matter of these proceedings.
5. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

6. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be suspended indefinitely. Suspension of Respondent's license shall be stayed, however, for a period not exceeding sixty (60) days, during which period Respondent shall:

a. Obtain a complete, current physical and mental health evaluation from a physician/treatment provider approved – in advance – by the Board.

b. Assure that his physician/treatment provider delivers to the Board – within the sixty-day stay period – a fully-documented written summary of a current physical and mental health evaluation of Respondent.

c. Permit the Board complete access to Respondent's medical records and his records of evaluation and treatment.

7. At the end of the sixty day stay period following the date of approval of this Stipulation and Consent Order, the stay of suspension shall end and Respondent's license shall be suspended indefinitely *unless* the Board-approved physician/treatment provider described in the preceding paragraph has provided to the Board a fully documented, written summary of a current evaluation of Respondent that affirmatively concludes Respondent is mentally and physically fit to practice pharmacy.

*Only if* the approved physician/treatment provider provides – within the sixty-day stay period – a fully documented, written summary of a current evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy, will the suspension of Respondent's license terminate. *Respondent understands that (a) if the evaluation of the approved physician/treatment provider is not delivered to the board*

*within the 60-day stay period or (b) the evaluation does not conclude Respondent is mentally and physically fit to practice pharmacy, the indefinite suspension of Respondent's license shall be in effect at the conclusion of the sixty-day stay period.*

8. In the event that Respondent's approved physician/treatment provider fails to provide or is unable to provide -- within the sixty-day stay period -- a written summary of a current evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy, *Respondent's license to practice pharmacy shall be indefinitely suspended.* During such indefinite period of suspension, Respondent may seek to obtain a current evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy. If Respondent is eventually able to obtain a current evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy, Respondent may petition the Board for the following: (a) termination of Respondent's license suspension and (b) commencement of a period of probation.

9. In the event Respondent's physician/treatment provider either (a) provides to the Board -- within the sixty-day stay period described in paragraph 7 above -- a fully documented, written summary of a current evaluation of Respondent that affirmatively concludes Respondent is mentally and physically fit to practice pharmacy or (b) Respondent successfully petitions the Board -- pursuant to the terms of paragraph 9 above -- for termination of his license suspension, Respondent's license to practice pharmacy shall be placed on probation on terms which shall include, but not be limited to, the following:

- a. Respondent agrees to comply with the terms of probation.

b. The period of probation shall be two (2) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.

c. Respondent shall comply with therapy or treatment recommendations of the approved physician/treatment provider who affirmatively concludes Respondent is mentally and physically fit to practice pharmacy. Respondent shall also comply with the therapy or treatment recommendations of any physician/treatment provider who may provide on-going treatment to Respondent.

d. 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 a change.

e. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order – including Respondent's current therapy or treatment regimen – by date*, and any further information deemed necessary by the Board from time to time.

f. Respondent shall not serve as a preceptor.

g. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the nature and resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

- h. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer, and any pharmacist-in-charge he works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have (i) read the statement of charges against Respondent, (ii) read this Stipulation and Consent Order and (iii) understood both.
  - i. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
  - j. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
  - k. Respondent shall provide, upon request of an agent of the Board, copies of or access to all his medical records.
  - l. Such other reasonable terms as the Board may wish to impose as a result of the length of time Respondent's license is suspended pursuant to paragraphs 8 and 9 above.
10. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1000. This civil penalty payment 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.

11. Should the Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2005) and 657 IAC 36.

12. This Stipulation and Consent Order is the resolution of a contested case. 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.

13. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

14. 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 18<sup>th</sup> day of January 2006.



Kevin L. Landers, R.Ph.  
Respondent

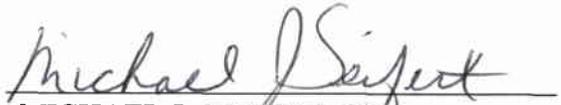
Subscribed and sworn to before me by Kevin L. Landers on this 18<sup>th</sup> day of January 2006



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 26 day of January 2006.

  
MICHAEL J. SEIFERT, Chairperson  
Iowa Board of Pharmacy Examiners  
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

Kendra M. Olson,  
Attorney  
505 Sixth Street, Suite 520  
P.O. Box 143,  
Sioux City, IA 51102

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT AGREEMENT  
AGAINST**

**KEVIN L. LANDERS, R.Ph., RESPONDENT**

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**2004-57**

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**TERMINATION ORDER**

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**DATE: February 4, 2008**

1. On January 27, 2006, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 16839 issued to Kevin L. Landers on February 27, 1987, on probation for a period of two years under certain terms and conditions.

2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF PHARAMCY**



Paul Abramowitz, Board Chairperson  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688