

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-58
Pharmacist License of)	
DAVID LA RUE,)	STATEMENT OF CHARGES
License No. 13885,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa license 13885. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 8, 2012, before the Iowa Board of Pharmacy. The hearing shall be held during the morning session, beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you

may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I—FAILURE TO COMPLY WITH BOARD ORDER

Respondent is charged with failing to comply with an order of the Board, in violation of Iowa Code sections 147.55(8), 272C.10(8), 272C.9(1) and 657 Iowa Administrative Code 36.17.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed pharmacist in the State of Iowa. His license is currently active and expires on June 30, 2013.
2. On March 7, 2012, and upon a finding of probable cause, the Board filed a Confidential Order for Evaluation. The Order required Respondent to submit to a physical, mental health, and substance abuse evaluation from a provider approved by the Board and within thirty days of the date of the Order.
3. That Order was served on Respondent by certified mail return receipt on March 9, 2012.
4. Respondent has failed to comply with this Order.

E. SETTLEMENT

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-58
Pharmacist License of)	
DAVID LARUE)	SETTLEMENT AGREEMENT
License NO. 13885)	AND
)	FINAL ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and David LaRue, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

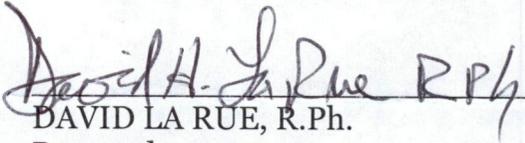
1. Respondent's Iowa Pharmacist License is currently active and expires on June 30, 2013.
3. A Statement of Charges was filed against Respondent on June 29, 2012.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.
5. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
6. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacy license.

7. This voluntary surrender is considered a revocation of license under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.
8. Respondent may request reinstatement of his Iowa pharmacy license by filing an application for reinstatement under 657 IAC 36.13. Respondent's license shall not be reinstated except upon a showing by Respondent that the basis for suspension of his license no longer exists, and that it is in the public interest for the license to be reinstated.
9. Respondent agrees not to engage in any aspect of the practice of pharmacy after the date of his signature on this Order.
10. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC 36.
11. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
12. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
13. This Settlement Agreement and Final Order 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

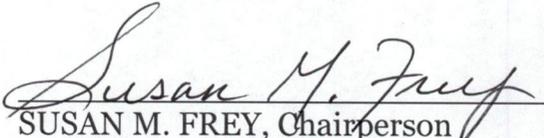
Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

14. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 8 day of OCT 2012.


DAVID LA RUE, R.Ph.
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 9 day of November 2012.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

RECEIVED

OCT 11 2012