

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

Re:)	Case No. 2009-93
Pharmacist License of)	
JOSEPH D. LEHAN)	STATEMENT OF CHARGES
License No. 13082,)	
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy 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 (2009).
3. On January 26, 1995, the Board issued Joseph D. Lehan (hereinafter "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 13082, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license expired June 30, 2009, and was not renewed until July 27, 2009.
5. Respondent's address of record is P.O. Box 157, Minden, Iowa 51553.
6. Respondent is employed as a pharmacist at Lehan Pharmacy, 317 Main Street, Minden, Iowa 51553.

A. CHARGE

COUNT I – PRACTICING WITHOUT A CURRENT LICENSE

Respondent is charged with practicing pharmacy without an active and current pharmacist license in violation of Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code §§ 2.11(2) and 36.1(4)(v).

B. CIRCUMSTANCES

On or about July 16, 2009, an investigation was commenced, revealing the following:

1. Respondent is employed as a pharmacist at Lehan Pharmacy, 317 Main Street, Minden, Iowa 51553.
2. Respondent's Iowa pharmacist license expired on June 30, 2009, and was not renewed until July 27, 2009.
3. Respondent has habitually let his license go delinquent. Since 1979, Respondent has renewed his license in a timely fashion only five times. At the end of the remaining eleven periods of licensure, Respondent's license expired before being renewed.
4. Respondent has repeatedly practiced pharmacy during the time period between expiration and renewal of his license.

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.


LLOYD K. JESSEN
Executive Director

On this 22nd day of Sept. 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


VERNON BENJAMIN, Chairperson
Iowa Board of Pharmacy
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 IOWA BOARD OF PHARMACY

Re:)	Case No. 2009-93
Pharmacist License of)	
JOSEPH D. LEHAN)	STIPULATION
License No. 13082)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Pharmacy Board (hereinafter, "Board") and Joseph D. Lehan (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 January 26, ¹⁹⁶⁵~~1995~~, as evidenced by Pharmacist License Number 13082, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2011.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist at Lehan Pharmacy, Minden, Iowa.
4. A Statement of Charges was filed against Respondent by the Board on September 22, 2009.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent has chosen not to 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.

7. On the date of the Board's approval of this Stipulation and Consent Order, 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 one (1) year provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
- c. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board a *typewritten*¹ 300-500 word essay outlining Respondent's professional and legal obligation to maintain current licensure, and discussing the potential consequences – to both Respondent and the public – of practicing pharmacy without a current license. The essay may be used by the Board, at its discretion, for educational outreach to pharmacists and pharmacy technicians and may be reprinted, in whole or in part, in the Board's newsletter.
- d. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and

¹ For the purposes of this order, "*typewritten*" policies may be generated on computer word-processing equipment.

Consent Order, and 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.

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, by date*, and any further information deemed necessary by the Board from time to time.

f. 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.

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 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 read this document and understand it.

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. Such other reasonable terms as the Board may wish to impose during the probationary period.

10. Should 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 Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.

11. 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.

12. The State's legal counsel may present this Stipulation and Consent Order to the Board.

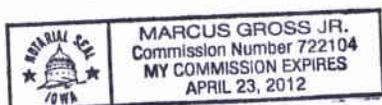
13. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution 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 5th day of February 2010.

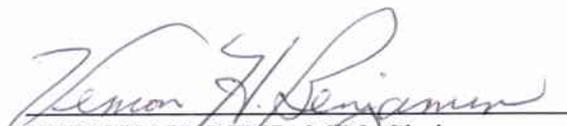

JOSEPH D. LEHAN, R.Ph.
Respondent

Subscribed and sworn to before me by Joseph D. Lehan on this 5th day of February 2010.




NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Pharmacy Board on the 10th day of March 2010.


VERNON H. BENJAMIN, Chairperson
Iowa Pharmacy Board
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

Marcus Gross, Jr.
1006 8th Street,
P.O. Box 716
Harlan, Iowa 51537

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
JOSEPH D. LEHAN, R.Ph., RESPONDENT**

TERMINATION ORDER

DATE: March 10, 2011

1. On March 10, 2010, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 13082 issued to Joseph D. Lehan on January 26, 1961, on probation for a period of one year under certain terms and conditions.

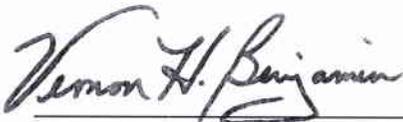
2. Respondent has successfully completed the probation as directed.

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 PHARMACY



Vernon H. Benjamin, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688