

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-154
Pharmacist License of)	
RALPH M. LEONI)	STATEMENT OF CHARGES
License No. 16423)	
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 147, 155A and 272C (2011).
3. On March 7, 1984, the Board issued Ralph M. Leoni (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board as evidenced by license number 16423.
4. Respondent's pharmacist license is current and active until June 30, 2013.
5. Respondent's address of record is 10708 Westport Way, Mokena, Illinois 60448.
6. Respondent was, at all times material to this statement of charges, employed outside the State of Iowa and licensed in both Iowa and Wisconsin.

A. CHARGE

COUNT I – VIOLATING LAWS OF ANOTHER JURISDICTION

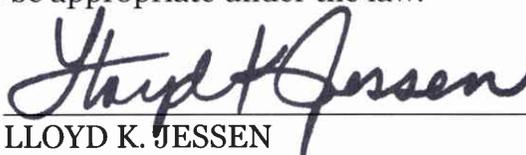
Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2011), and 657 Iowa Administrative Code § 36.1(4)(ad), with violating Wisconsin laws relating to the practice of pharmacy.

B. CIRCUMSTANCES

An investigation commenced on December 3, 2010 which revealed the following:

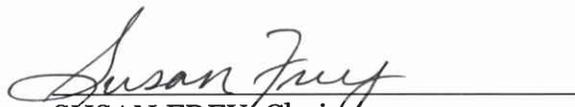
1. Respondent is licensed as a pharmacist in both the Iowa and Wisconsin.
2. A "Final Decision and Order" was issued by the Wisconsin Pharmacy Examining Board on October 27, 2010, based on stipulated evidence.
3. The order assesses a civil penalty of \$1000 and costs to Respondent.
4. The discipline occurred because Respondent signed a self-inspection report for a new pharmacy, which report contained incorrect information. The report indicated that the new pharmacy had a centrally monitored alarm system when, in fact, there was no such system. Respondent was the managing pharmacist for the pharmacy.

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 10th day of November 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



SUSAN FREY, 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

Leoni-SOC 10-11

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-154
Pharmacist License of)	
RALPH M. LEONI)	STIPULATED
License No. 16423)	CITATION AND
Respondent)	WARNING
)	

Pursuant to Iowa Code §§ 17A.10, 155A.12 and 272C.3(4) (2011), and 657 IAC (Iowa Administrative Code) § 36.1(2)(j), the Iowa Board of Pharmacy (hereinafter, “the Board”) and Ralph M. Leoni (“Respondent”), enter into the following Stipulated Citation and Warning, 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 March 7, 1984, after examination, as evidenced by pharmacist license number 16423, 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, 2013.
3. A Statement of Charges was filed by the Board against Respondent on November 10, 2011. The Statement of Charges is based on an agreed order of discipline entered against Respondent in the state of Wisconsin (attached as exhibit A), and does not involve any new conduct in the state of Iowa.
4. Respondent was, at all times material to the Statement of Charges, employed as the managing pharmacist at the Reedsburg Area Medical Center

Pharmacy in Reedsburg, Wisconsin.

5. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these proceedings.
6. For the purposes of this Stipulated Citation and Warning, Respondent does not contest the allegations set forth in the Statement of Charges. Respondent accepts this Stipulated Citation and Warning, issued pursuant to the provisions of 657 IAC § 36.1(4)(j), for violating the laws of another jurisdiction (Wisconsin).
7. This Stipulated Citation and Warning is a proposed settlement of a contested case. By entering into this Stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objection to this Stipulated Citation and Warning.
8. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this Stipulated Citation and Warning, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulated Citation and Warning, it shall be the full and final resolution of this contested case.
9. Within three (3) months after the date of the Board's approval of this Stipulated Citation and Warning, Respondent shall complete not less than two (2) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on pharmacist ethics. Upon completion of the two hours of CPE, documentation of satisfactory

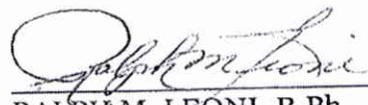
completion shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required of Respondent every two years for license renewal.

10. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. The civil penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulated Citation and Warning. All civil penalty payments shall be deposited into the State of Iowa general fund.

11. The State's legal counsel may present this Stipulated Citation and Warning to the Board.

12. The Board's approval of this Stipulated Citation and Warning shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 16 day of January 2012.

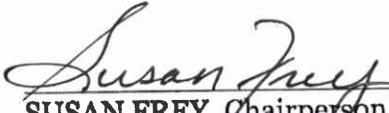


RALPH M. LEONI, R.Ph.
Respondent

Subscribed and sworn to before me by Ralph M. Leoni on this 16 day of January 2012.


NOTARY PUBLIC IN AND FOR
THE STATE OF WISCONSIN

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on the 19th day of January 2012.


SUSAN FREY, 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

Edward Rickert
30 N. LaSalle Street
Suite 3516
Chicago, Illinois 60602

Leoni C&Warning 12-11.doc

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is P.O. Box 308, Mokena, Illinois 60448.

3. At all times relevant to this action, Respondent was working as a pharmacist at the Reedsburg Area Medical Center Pharmacy in Reedsburg, Wisconsin.

4. Respondent was the Managing Pharmacist of the Reedsburg Area Medical Center Pharmacy on August 22, 2008, when Respondent signed a new pharmacy self-inspection report that had been prepared for him by a subordinate. The inspection report incorrectly verified and attested to the fact that the pharmacy had a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located. On June 2, 2009, a Department of Regulation and Licensing Investigator conducted an inspection of the pharmacy and discovered that the pharmacy did not have a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located, a violation of Wis. Stats. § PHAR 6.08. On June 5, 2009, a Notice of Compliance was issued and the pharmacy was given 45 days in which to come into compliance.

5. On July 13, 2009, the pharmacy installed a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §450.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 4, above, constitutes a violation of Wisconsin Administrative Code § PHAR 10.03(2) by Respondent's failure to adequately supervise the performance of tasks delegated to others, resulting in the provision of inaccurate information to the Pharmacy Examining Board, and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(a)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent shall, within sixty (60) days from the date of this Order, pay a FORFEITURE of ONE THOUSAND DOLLARS (\$1000.00).

2. Respondent shall, within sixty (60) days from the date of this Order, pay COSTS of this proceeding in the amount of Two Hundred Fifty DOLLARS (\$250.00).

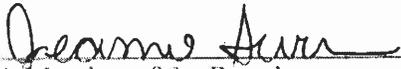
3. All payments shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or payment of the forfeiture as ordered as set forth above, the Respondent's license (# 15031) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs or forfeiture.

5. This Order is effective on the date of its signing.

Wisconsin Pharmacy Examining Board

By: 
A Member of the Board

10/27/10
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

RALPH M. LEONI, R.PH., :
RESPONDENT. :

STIPULATION
ORDER 0000498

[Division of Enforcement Case # 09 PHM 40]

It is hereby stipulated between Ralph M. Leoni, R.Ph., his attorney Edward D. Rickert, and attorney James E. Polewski, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

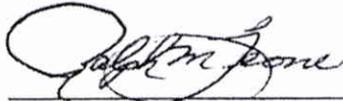
1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 09 PHM 40). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is

not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

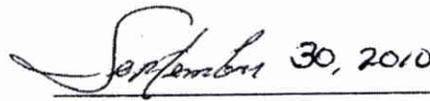
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Pharmacy Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Ralph M. Leoni, R.Ph.
P.O. Box 308
Mokena, IL 60448



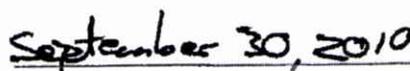
Date

Edward D. Rickert
Krieg DeVault
30 N. LaSalle St, Ste 3516
Chicago, IL 60602
Attorneys for Mr. Leoni

Date



James E. Polewski, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935



Date

[CASE# 09 PHM 40 COSTS \$250.00 FORFEITURE \$1000.00]

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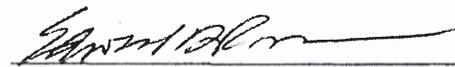
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Mokena, IL 60448

Date



Edward D. Rickert
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30 N. LaSalle St, Ste 3516
Chicago, IL 60602
Attorneys for Mr. Leoni

9/30/10
Date



James E. Polewski, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

September 30, 2010
Date

[CASE# 09 PHM 40 COSTS \$250.00 FORFEITURE \$1000.00]