

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

---

Re:	)	Case No. 2002-15051
Pharmacist License of	)	
<b>RICHARD T. LYNCH</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15051	)	
Respondent	)	

---

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners 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 (2001).
3. On July 1, 1977, the Board issued Respondent, Richard T. Lynch, a license to engage in the practice of pharmacy by examination as evidenced by license number 15051, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15051 is current and active until June 30, 2003.
5. Respondent's current address is 501 Park Avenue, Chariton, Iowa 50049.
6. Upon information and belief, Respondent is currently employed as the pharmacist in charge at the Hy Vee Pharmacy in Chariton, Iowa and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 147.55(5) (2001) and 657 Iowa Administrative Code §§ 36.1(4)(e) & (u) with being convicted of a felony related to the profession or occupation of pharmacist.

COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) & (2) (2001) and 657 Iowa Administrative Code §§ 8.5(1) & 36.1(4)(c) with knowingly making misleading, deceptive,

untrue, or fraudulent representations in the practice of pharmacy and engaging in unethical conduct.

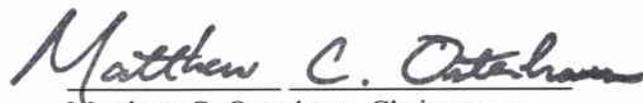
#### THE CIRCUMSTANCES

1. The U.S. Attorney for the Southern District of Iowa filed an Information against Respondent alleging the Respondent had committed criminal violations related to health care fraud.
2. On December 13, 2001, the Respondent entered into a plea agreement with the U.S. Attorney's office.
3. On March 4, 2002, the U.S. District Court, Southern District of Iowa, filed its Judgement in a Criminal Case in the case captioned *United States of America v. Richard T. Lynch, Case No. 01-234*. The federal court found that Respondent pled guilty to 1 count of health care fraud, in violation of 18 U.S.C. section 1347. The Court sentenced Respondent to 3 years of probation with participation in a home confinement program for six months.

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 Secretary/Director

On this 24 day of April, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Matthew C. Osterhaus, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

---

Re:	)	Case No. 2002-15051
Pharmacist License of	)	
<b>RICHARD T. LYNCH</b>	)	<b>STIPULATION</b>
License No. 15051	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

---

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Richard T. Lynch, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against the Respondent on April 24, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on July 1, 1977, by examination as evidenced by Pharmacist License Number 15051, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 15051, issued to and held by the Respondent is active and current until June 30, 2003.
3. The Respondent is currently employed as a pharmacist at Hy Vee Pharmacy in

Chariton, Iowa.

4. A Statement of Charges was filed against the Respondent on April 24, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. The Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the disciplining his license to practice pharmacy in Iowa.
7. Respondent shall pay a civil penalty of \$1,500.00 within 90 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.
8. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be suspended for a period of six months beginning on the date the Board approves this Stipulation and Consent Order. All but the first 60 days of the suspension beginning on the date of the Board's approval of this Stipulation and Consent Order shall be stayed, however, and the Respondent's license shall be reinstated and placed on probation for a period of three (3) year(s), under the following terms and conditions:
  - a. During the first sixty (60) days of the probationary period, the Respondent will submit a typewritten paper to the Board reporting on the importance of ethics in the practice of pharmacy. The typewritten paper shall address

the Respondent's practice of pharmacy in his current work setting as well as general principles relating to the ethical practice of pharmacy and shall be not less than five pages, double spaced, in length. The Respondent shall also explain the steps he took to review the ethical principles of the practice of pharmacy and include a list of materials he reviewed during this process in the paper provided to the Board. The Board will review the Respondent's paper and provide feedback to the Respondent. In the event the Board has any concerns regarding the substance of the Respondent's paper, the Board, in its sole discretion, may require the Respondent to re-write the paper and re-submit it to the Board. Following the Board's review and approval of the paper, the Respondent agrees to adopt, implement, and adhere to the concepts set forth in the paper whenever engaging in the practice of pharmacy.

- b. During the first six (6) months of the probationary period, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in pharmacy ethics and pharmacy law. The education shall be *not less than* ten (10) hours in length with at least three of the ten hours in the area of pharmacy ethics. The education shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

- c. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
  - d. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.
9. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy
10. The Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the Respondent by this document. 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, the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that 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.
11. Should the Respondent violate or fail to comply with any of the terms or 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 and 657

IAC 36.1.

- 12. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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 party. 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.

\*\*\*\*\*

- 15. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 16<sup>th</sup> day of July, 2002.

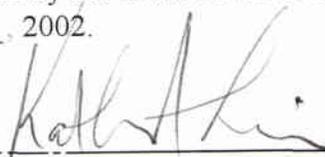
*Richard T. Lynch R.Ph.*  
*Richard T. Lynch R.Ph.*  
 Richard T. Lynch, R.Ph.  
 Respondent

Subscribed and sworn to before me by Richard T. Lynch on this 16 day of July, 2002.

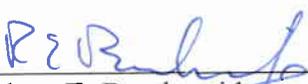


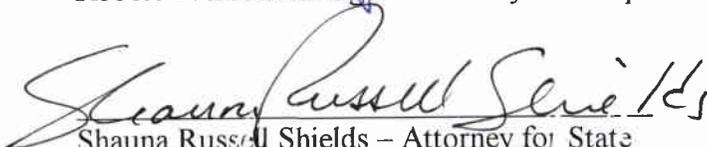
*Terri Thomas*  
 NOTARY PUBLIC IN AND FOR THE  
 STATE OF IOWA

16. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10<sup>th</sup> day of August, 2002.

  
KATHERINE A. "KAP" LINDER,  
Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

APPROVED AS TO FORM:

  
Robert E. Breckenridge - Attorney for Respondent

  
Shauna Russell Shields - Attorney for State

cc: Robert E. Breckenridge  
111 West Second Street  
P.O. Box 716  
Ottumwa, Iowa 52501-0716

ATTORNEY FOR RESPONDENT

Shauna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

ATTORNEY FOR STATE