

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-55
Pharmacist License of)	
SCOTT R. MILLER)	STATEMENT OF CHARGES
License No. 16791)	
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 (2011).
3. On August 13, 1986, the Board issued Respondent, Scott R. Miller, by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 16791, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's current address is 1140 Decca Drive, Harrisonburg, Virginia.
6. Respondent was, at all times material to this statement of charges, employed outside the State of Iowa and licensed in Virginia, North Carolina, and Texas.

A. CHARGES

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 Virginia law relating to allowing an unregistered employee to perform the duties of a pharmacy technician.

COUNT II – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION

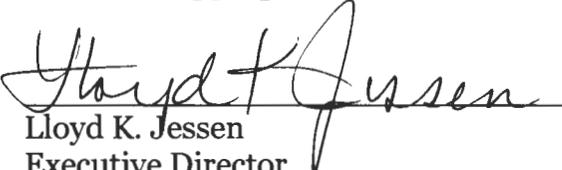
Respondent is charged under Iowa Code § 155A.12(1) (2011), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of a licensing authority in another state within thirty days of that decision.

B. CIRCUMSTANCES

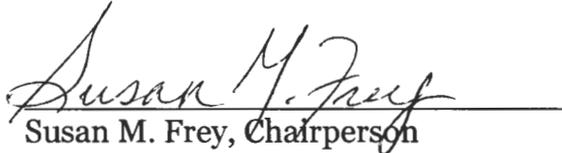
An investigation commenced on May 1, 2011, which revealed the following:

1. Respondent is licensed as a pharmacist in the State of Virginia. At all times material to this Statement of Charges, Respondent was employed in a CVS Pharmacy in Harrisonburg, Virginia.
2. On February 25, 2011, the Virginia Board of Pharmacy entered a Findings of Fact and Conclusions of Law assessing Respondent a monetary penalty of \$250 for violations of Virginia law.
3. The Virginia discipline arose from the fact Respondent allowed a pharmacy employee who had been enrolled in a pharmacy technician training program for over nine months, and was not registered with the Virginia Board of Pharmacy, to perform the duties of a pharmacy technician.
4. Respondent did not give the Iowa Board of Pharmacy timely notice of the disciplinary action in Virginia.

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 7th day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


Susan M. 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, IA 50319

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BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2011-55
Pharmacist License of)
SCOTT R. MILLER) **STIPULATION**
License No. 16791) **AND**
Respondent) **CONSENT ORDER**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Scott R. Miller (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 was issued a license to practice pharmacy in Iowa on August 13, 1986, by reciprocity, as evidenced by Pharmacist License Number 16791 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, 2012.
3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
4. Respondent was, at all times material to this Statement of Charges, employed as a pharmacist in the State of Virginia. On February 25, 2011, Respondent entered into a settlement agreement with the Virginia Board of Pharmacy, which agreement related to Respondent allowing a non-registered

person to perform pharmacy technician functions.

5. A Statement of Charges was filed against Respondent by the Board on March 7, 2012. The Statement of Charges alleges that Respondent violated the laws of Virginia and failed to timely report his Virginia discipline to the Board.

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. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$250. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, by check 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.

8. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

9. Should 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 Respondent's Iowa license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

10. 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.

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

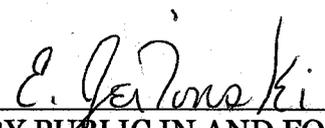
12. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution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

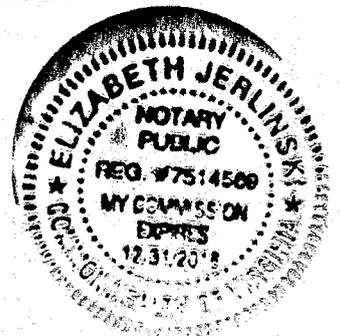
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 11 day of APRIL 2012.


SCOTT R. MILLER, R.Ph.
Respondent

Subscribed and sworn to before me by Scott R. Miller on this 11 day of April 2012.


NOTARY PUBLIC IN AND FOR
THE STATE OF VIRGINIA



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the
27th day of April 2012.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
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
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