

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

Re:)	Case No. 2009-94
Pharmacist License of)	
BRADLEY C. OLSEN)	STATEMENT OF CHARGES
License No. 18543,)	
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 October 31, 1995, the Board issued Bradley C. Olsen (hereinafter "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 18543, 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 29, 2009.
5. Respondent's address of record is 315 Garfield, Laurens, IA 50554.
6. Respondent is employed as the pharmacist in charge at Hy-Vee Ressler's Clinic, 113 North Third Street, Laurens, IA 50554.

A. CHARGE

COUNT I – PRACTICING WITHOUT A CURRENT LICENSE

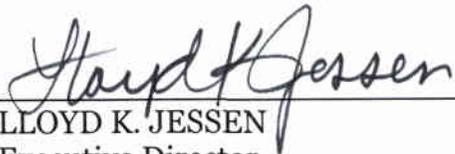
Respondent is charged with practicing pharmacy without an active and current pharmacist license in violation of Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code §§ 2.11(2) and 36.1(4)(v).

B. CIRCUMSTANCES

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

1. Respondent is the pharmacist in charge at Hy-Vee Ressler's Clinic Pharmacy (1634), located at 113 North Third Street, Laurens, Iowa 50554.
2. Respondent's Iowa pharmacist license expired on June 30, 2009, and was not renewed until July 29, 2009.
3. Respondent habitually allows his license to be delinquent. He has renewed his license on the following dates: July 14, 1997; September 7, 1999; July 30, 2001; July 1, 2005; and July 30, 2007. Respondent's license expired on June 30th in each of the years mentioned.
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 17 day of August 2009, 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, Vice Chair
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

Olsen-SOC 8-09.doc

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF THE
STATEMENT OF CHARGES AGAINST:

CASE NO. 2009-94
DIA NO. 09PHB022

BRADLEY C. OLSEN
License No. 18543

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER

RESPONDENT

On August 17, 2009, the Iowa Board of Pharmacy (Board) found probable cause to file a Statement of Charges and Notice of Hearing against Bradley C. Olsen (Respondent), alleging that he practiced pharmacy without an active and current license, in violation of Iowa Code section 155A.12(1)(2009) and 657 IAC 2.11(2) and 36.1(4)(v). The hearing was held on September 22, 2009 at 1:35 p.m. The following members of the Board presided at the hearing: Vernon Benjamin, Chairperson; Susan Frey; Edward L. Maier; Mark Anliker, Margaret Whitworth, and Annabelle Diehl. Respondent appeared and was self-represented. Assistant Attorney General Scott Galenbeck represented the state. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing and was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order, in conformance with its deliberations.

THE RECORD

The record includes the testimony of Respondent and State Exhibits 1-3 (See Exhibit List for description).

FINDINGS OF FACT

1. On October 31, 1995, the Board issued pharmacist license number 18543 to Respondent Bradley C. Olsen. Respondent's pharmacist license is now current and active. (State Exhibits 1, 3; Respondent testimony).
2. Respondent is the pharmacist in charge at Hy-Vee Ressler's Clinic Pharmacy located at 113 North Third Street in Laurens, Iowa. Respondent has been employed by

Hy-Vee for two years but has been the pharmacist in charge at this pharmacy location for his entire career as a pharmacist. (Respondent testimony; State Exhibit 1)

3. Respondent's Iowa pharmacist license expired on June 30, 2009. Respondent did not renew his license until July 29, 2009. Respondent admits that he continued to practice pharmacy for a month while his license was expired. (Respondent testimony; State Exhibit 3)

4. This was not an isolated occurrence. Respondent has habitually allowed his license to become delinquent. Respondent's license first expired on June 30, 1997, but he did not renew it until July 14, 1997. Respondent's license next expired on July 30, 1999, but he did not renew it until September 7, 1999. Respondent's license expired on June 30, 2001, but he did not renew it until July 30, 2001. Respondent timely renewed his license in June 2003. Respondent's license expired on June 30, 2005, but he did not renew it until July 1, 2005. Respondent's license expired on June 30, 2007, but he did not renew it until July 30, 2007. Respondent admits that he continued to practice pharmacy during all of the times that his license was delinquent. (Respondent testimony; State Exhibit 3)

CONCLUSIONS OF LAW

Iowa Code §155A.12(1) (2007) authorizes the Board to discipline a pharmacist's license for any violation of Iowa Code chapter 155A or of the Board's rules.

Board rules provide that except for new pharmacist licenses issued between April 1 and June 29, a license to practice pharmacy expires on the second thirtieth day of June following the date of issuance of the license. The license renewal certificate shall be issued upon completion of the renewal application and timely payment of the \$200 fee plus applicable surcharges. 657 IAC 2.11.

Board rules further provide that if a license is not renewed before its expiration date, the license is delinquent and the licensee may not practice pharmacy in the state of Iowa until the licensee reactivates the delinquent license. Reactivation of a delinquent license shall include submission of a completed application and appropriate fees and may include requirements relating to the reactivation of an inactive license pursuant to subrule 2.13(2). A pharmacist who continues to practice pharmacy in Iowa without a current license may be subject to disciplinary sanctions pursuant to the provision of 657-subrule 36.1(4). 657 IAC 2.11(2).

657 IAC 36.1(4) provides, in relevant part:

36.1(4) *Grounds for discipline.* The board may impose any of the disciplinary sanctions set out in rule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

...

v. Practicing pharmacy without an active and current Iowa pharmacy license,...

The preponderance of the evidence established that Respondent has violated Iowa Code §155A.12(1)(2009) and 657 IAC 36.1(4)(v) and 2.11(2) by his repeated failure to timely renew his pharmacy license and his repeated practice of pharmacy while his license was delinquent. Respondent attributed these violations to foolishness, a lack of organization, and failure to take seriously his obligation to timely renew his license. Respondent assumed that he was in compliance as long as he paid the applicable late fee/surcharge and did not think about the consequences of practicing pharmacy without a license. Respondent apologized for his failure to timely renew and assured the Board that it would not happen again.

Respondent's cavalier attitude toward maintaining active and current licensure while he continued to practice pharmacy raises serious concerns, not only about his understanding and appreciation of the licensure requirements for pharmacists, but also about his attention to detail in general. For these reasons, Respondent will be required to supplement his verbal assurances at hearing that he now understands the significance and importance of maintaining current licensure with a written report to the Board.

DECISION AND ORDER

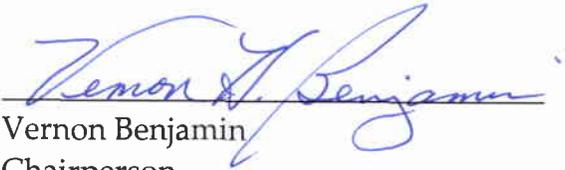
IT IS THEREFORE ORDERED that within thirty (30) days of issuance of this Decision and Order, Respondent Bradley C. Olsen shall pay a civil penalty of \$500.00.

IT IS FURTHER ORDERED that within thirty (30) days of issuance of this Decision and Order, Respondent Bradley C. Olsen shall submit a 200-500 word essay outlining his professional and legal obligations to maintain current licensure and the potential consequences, both to him and to the public, of practicing pharmacy without a current license. The essay is to be used by the Board, in its discretion, for educational outreach

to other pharmacists and pharmacy technicians and it may be reprinted, in whole or in part, in the Board's newsletter.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary/director of the Board may bill Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 18th day of November, 2009.



Vernon Benjamin

Chairperson

Iowa Board of Pharmacy

cc: Scott Galenbeck, Assistant Attorney General

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.