

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	}	COMPLAINT
ROBERT C. PRYOR	}	AND
License No. 14116	}	STATEMENT
Respondent	}	OF CHARGES
	}	AND
	}	NOTICE OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 7th day of October, 1991, and files this Complaint and Statement of Charges against Robert C. Pryor, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on June 7, 1972, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1993.

4. Respondent was issued a license to practice pharmacy in Missouri (license number 28273).

5. Respondent currently resides at Rural Route 1, Box 38, Boonville, Missouri 65233.

6. On June 28, 1991, the Board received a completed Iowa pharmacist renewal application questionnaire from Respondent who responded "yes" to the question "Have you been convicted of a drug related offense or had your license suspended or revoked since initial licensure in this or other state?"

7. On August 6, 1991, the Board received a copy of the Findings of Fact, Conclusions of Law, and Disciplinary Order in Case No. PH-87-0731A titled In the Matter of Robert C. Pryor, R.Ph., License No. 28273 issued by the Missouri State Board of Pharmacy on December 7, 1989. This document provides, in part, the following:

Decision and Order

It is the decision of the Missouri Board of Pharmacy that respondent has violated the terms of his

probation and that respondent's license is therefore subject to discipline.

Therefore, it is hereby the Order of the Missouri Board of Pharmacy that the license to practice as a pharmacist, numbered 28273 issued to Robert C. Pryor be suspended for ninety (90) days, to be followed by probation for five (5) years, effective thirty (30) days from the date this order is entered...

A copy of the Missouri Findings of Fact, Conclusions of Law, and Disciplinary Order is attached hereto as Exhibit 1 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

8. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) by virtue of the information and allegations contained in paragraphs 6 and 7.

Iowa Code section 155A.12 provides, in part, the following:

...The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

9. Respondent is guilty of violating 657 Iowa Administrative Code section 9.1(4)(u) by virtue of the information in paragraphs 6 and 7.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2)...when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 8 and 9 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) and 657 Iowa Administrative Code section 9.1(4)(u).

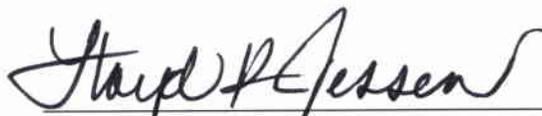
IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Robert C. Pryor appear before the Iowa Board of Pharmacy Examiners on Tuesday, November 19, 1991, at 4:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Robert C. Pryor on June 7, 1972, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen
Executive Secretary/Director

BEFORE THE
STATE BOARD OF PHARMACY
STATE OF MISSOURI

* EXHIBIT *
* NO. 1 *
* *****

IN THE MATTER OF:)

ROBERT C. PRYOR, R. Ph.)
License No. 28273)

Case No. PH-87-0731A

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

This matter appears before the Missouri Board of Pharmacy pursuant to a Complaint on Violation of Disciplinary Order filed in the above-styled case.

Findings of Fact

1. Respondent, Robert C. Pryor, is licensed by the Petitioner to practice pharmacy, License Number 28273.
2. On or about August 28, 1987, the parties entered into a Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Board of Pharmacy, and Consent Order regarding the respondent's license to practice pharmacy in the state of Missouri.
3. Respondent has violated the terms and conditions of his disciplinary order in that:
 - A. Respondent, while serving as pharmacist in charge at Pryor's Pharmacy, Boonville, MO, allowed prescriptions to be filled and sold when a pharmacist was not present;

B. On or about May 18, 1989, Respondent placed expired drugs in the bottom of several boxes and covered the drugs with over the counter medications. Respondent then placed these boxes on the dock area of the pharmacy where they were exposed and easily accessible to unauthorized persons. These drugs included Thioridazine, Temazepam, Bitubel, Aygestin, Hydralazine/Hydrochlorothiazide, Pheno, Phazyme PB, Eurax Lotion, Cantil with Phenobarbital, Envert, Propantheline and Histamine Phosphate injection. Temazepam has been designated a controlled substance pursuant to Chapter 195.

C. Respondent's conduct as noted above was in violation of the original disciplinary order.

4. A Complaint on Violation of Disciplinary Order and Notice of Hearing was filed in this case and a Violation of Disciplinary Order Hearing was held on November 30, 1989, at the Holiday Inn Executive Center, Columbia, Missouri.

5. Mr. Pryor was present for the hearing along with his attorney, Rodric A. Widger.

Conclusions of Law

1. The Board has jurisdiction over this proceeding in that the complaint presents a case in which the Board must determine whether or not a licensee has violated a condition or conditions of a disciplinary order issued by this Board. Section 621.110, RSMo Supp. 1984, State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

2. Respondent's conduct is in violation of the original disciplinary order entered by Petitioner.

3. The original disciplinary order entitles the Board to suspend, revoke or otherwise lawfully discipline respondent if respondent fails to comply with the terms of discipline.

4. The foregoing entitles Petitioner to impose the following Order.

DECISION AND ORDER

It is the decision of the Missouri Board of Pharmacy that respondent has violated the terms of his probation and that respondent's license is therefore subject to discipline.

THEREFORE, it is hereby the Order of the Missouri Board of Pharmacy that the license to practice as a pharmacist, numbered 28273 issued to Robert C. Pryor be suspended for ninety (90) days, to be followed by probation for five (5) years, effective thirty (30) days from the date this order is entered.

1. The following terms and conditions shall govern respondent's period of suspension and probation:

A. During the period of suspension, Respondent shall engage in no activity or conduct in the State of Missouri for which a license as a pharmacist is required.

B. Respondent shall return his pharmacist license, including his wall-hanging certificate, to the Board of Pharmacy, to be held by the Board during the period of suspension.

C. Respondent must keep the Board apprised of his current home and work addresses and telephone numbers.

D. Respondent must pay all required fees for renewal of the pharmacist license to prevent the license from lapsing during the period of suspension and probation.

E. Respondent shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws.

F. Respondent shall not be physically present in a Missouri licensed pharmacy during suspension except as a customer. Respondent may, however, be employed in any capacity at a facility that maintains a pharmacy, as long as that employment does not include the practice of pharmacy, the assisting of another pharmacist within his practice of pharmacy, or the physical presence within the prescription drug area of the facility.

G. Respondent shall not serve as a pharmacist in charge or in a supervisory capacity in any Missouri licensed pharmacy without prior approval of the Board, during the period of probation.

H. Respondent shall not serve as a preceptor for interns, during the period of probation.

I. Respondent shall report to the Board in writing once every six (6) months, beginning on July 7, 1990, stating truthfully whether or not he has complied with all terms and conditions.

J. Respondent shall complete ten (10) additional contact hours of continuing education, in addition to the ten (10) hours required by law for renewal of his license, for a total of twenty (20) hours annually during the period of discipline, beginning with the licensing period November 1, 1990 to October 31, 1991.

K. In accordance with 4 CSR 220-2.160 Definition of Disciplinary Actions, if Respondent removes himself from the State of Missouri, ceases to be currently licensed under the provisions of Section 338.010 to 338.310

RSMo, or fails to keep the Missouri Board of Pharmacy advised of his current place of employment and residence, the time of his absence, or unlicensed status, or unknown whereabouts, shall not be deemed or taken as any part of the time of discipline so imposed.

2. Should Respondent violate any term or condition of this suspension or probation or any provision of Chapter 338, RSMo, the Board of Pharmacy may vacate the order of discipline imposed herein and order the pharmacist's license of respondent revoked.

3. No additional order shall be entered by this Board pursuant to paragraph 2 of this order without notice and an opportunity for hearing before the Board of Pharmacy as a contested case in accordance with the provisions of Chapter 536, RSMo.

4. This order does not bind this Board of Pharmacy nor restrict the remedies available to it concerning any future violation by the respondent of Chapter 338, RSMo.

ENTERED THIS 7th DAY OF DECEMBER, 1989.

(BOARD SEAL)



KEVIN E. KINKADE, R. Ph.
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing **Findings of Fact, Conclusions of Law and Disciplinary Order**, by certified mail, return receipt requested, this 7th day of December, 1989, to:

Roderic A. Widger
Attorney at Law
P.O. Box 1280
Jefferson City, MO 65102-1280

Robert C. Pryor
Route 1
Boonville, MO 65233

I further certify that I have delivered a copy of the foregoing document to Mr. Curtis F. Thompson, Assistant Attorney General, by inter-agency mail.



KEVIN E. KINKADE, R. Ph.
EXECUTIVE DIRECTOR

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	:	STIPULATION
ROBERT C. PRYOR	:	AND
License No. 14116	:	INFORMAL SETTLEMENT
Respondent	:	

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Robert C. Pryor, R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on June 7, 1972, by examination.

2. Respondent's license is current until June 30, 1993.

3. Respondent's current address is Rural Route 1, Box 38, Boonville, Missouri 65233.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 7, 1991.

5. The Board has jurisdiction of the parties and the subject matter.

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true.

7. Respondent's license to practice pharmacy is suspended for a period of ninety (90) days. The suspension is stayed, however, and the Respondent's license is placed on

probation for a period of three (3) years from the approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. 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.

b. Pay all required fees for renewal of his pharmacist license to prevent the license from lapsing during the period of probation.

c. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

d. Not serve as a pharmacist in charge or in a supervisory capacity in any Iowa licensed pharmacy without prior approval of the Board.

e. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

f. Report to the Board in writing once every six (6) months, beginning on July 1, 1992, stating truthfully whether or not he has complied with all terms and conditions of his probation.

g. Complete five (5) additional contact hours of continuing pharmacy education, in addition to the fifteen (15) hours required by law for renewal of his pharmacist license, for a total of twenty (20) hours annually, beginning with the licensing period July 1, 1991, to June 30, 1993.

h. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

i. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

8. Should Respondent reside or practice outside of either this State or the State of Missouri, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of either this State or the State of Missouri shall not apply to reduction of the probationary period.

9. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Upon successful completion of probation, Respondent's certificate will be fully restored.

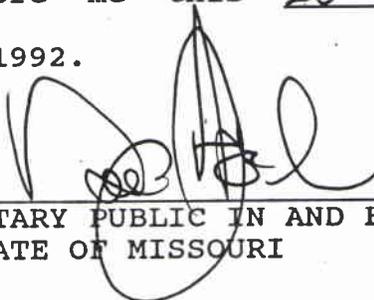
11. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 20th day of January, 1992.


ROBERT C. PRYOR
Respondent

Signed and sworn to before me this 20th day of January, 1992.

DOUGLAS ABELE
My commission expires:
May 22, 1995


NOTARY PUBLIC IN AND FOR THE
STATE OF MISSOURI

13. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 4th day of March, 1992.


MELBA L. SCAGLIONE, Chairperson
Iowa Board of Pharmacy Examiners