

BEFORE THE IOWA BOARD OF PHARMACY EXAMINERS

IN RE: Disciplinary Hearing of)	
Orville Richardson,)	NO.
Registered Pharmacist)	
Swan Drug Company)	
1302 W. Locust St.)	STIPULATION
Davenport, Iowa 52804)	
)	

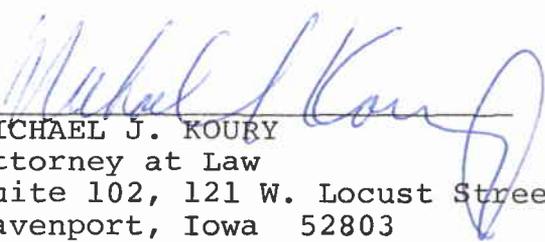
A disciplinary hearing having been scheduled on August 31, 1982, in the above-captioned action.

THE PARTIES HEREBY stipulate to the accuracy of the investigative reports made by J. W. Reardon, Investigator for the Iowa Board of Pharmacy Examiners and to the accuracy of the documents supporting those reports and filed together with them.

THE PARTIES FURTHER stipulate to the accuracy of the information in the letter of Michael Archibald, Chief Investigator of the State Board of Medical Examiners to Ronald V. Saf, Executive Director of the Iowa Board of Medical Examiners, dated May 24, 1982, and his memorandum to Norman Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, dated May 21, 1982, insofar as that letter and memorandum reflects the testimony Debbie Mathis would give regarding Swan Drug if called to testify at a hearing and Mr. Archibald's observations of conditions at Swan Drug.

THE PARTIES ALSO stipulate that the above-referred reports may be admitted into evidence at the disciplinary hearing of Orville Richardson and Swan Drug.


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STATE OF IOWA
BEFORE THE BOARD OF PHARMACY EXAMINERS

In The Matter Of The License To) Practice Pharmacy of Orville M.) Richardson, Respondent)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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STATEMENT OF THE CASE

This hearing was held on August 31, 1982, Grimes State Office Building, Des Moines, Iowa before the Board of Pharmacy Examiners. The hearing was held pursuant to Chapter 147 and 258A of the Code of Iowa. The purpose of the hearing was to determine what, if any, action should be taken to guarding the license of Orville M. Richardson to practice Pharmacy in Iowa.

Board members present for the hearing were: Angelo J. Palmer, Vennetta M. Fiedler, Robert E. Bellinger, Margo L. Underwood and Jerry Hartliep. Mark W. Wheeler served as Hearings Officer for the Board. State was represented by Thomas D. McGrane, Assistant Attorney General. The Respondent was represented and present by Michael J. Koury.

Certain stipulations were offered relative to investigative reports conducted in this matter and accepted as part of the record.

Hearings Officer having considered the testimony and evidence issues the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT

Orville M. Richardson a licensed pharmacist and has been licensed since approximately 1953. He has done graduate work in pharmacology. Respondent has been the pharmacist/owner of Swan Drug Company since approximately 1976.

Investigator J. W. Reardon of the Board of Pharmacy Examiners testified to the contents of his findings relative to an investigation conducted of Swan Drug Company. Swan Drug Company is located at 1302 West Locust Street in Davenport, Iowa.

Orville M. Richardson is the owner with Iowa license #602.

Mr. Orville M. Richardson at the time of the hearing held a license to practice pharmacy, this license being (R11990); license to operate a pharmacy called Swan Drug license #602 and a Iowa Uniform Controlled Substance Registration issued to Swan Drug Company #1106040.

Investigator Reardon testified that his investigation revealed to him that the premises of Swan Drug were not in compliance with the sanitary requirements of the Board of Pharmacy Examiners. He further testified that he had found that there had been distribution on the premises of Swan Drug, of drugs other than for lawful purposes and that the requirements for obtaining prescriptions were violated, also that statutory limits on refills of prescription drugs were not adhered to. He further testified that Orville Richardson failed to keep appropriate and proper records relative to prescription drugs as required by Code of Iowa and that Orville Richardson, Pharmacist failed to obtain proper written prescriptions prior to dispensing of Schedule II controlled substances also in violation of the Iowa Code.

Mr. Reardon's inspections of Swan Drug took place on February 19 and 20, 1981, April 14 and 15, 1982.

Mr. Orville Richardson a licensed pharmacist at the time of the hearing did not deny any of the alleged violations found in Mr. Reardon's investigations and testified to by Mr. Reardon at the present hearing. However, Mr. Richardson did offer his position relative to why these violations occurred and that he felt that in the future these could be corrected and that they would not occur again in the future. However, at no time did Mr. Orville Richardson deny that these violations did occur but rather requested that a lenient decision be forthcoming from this present hearing.

CONCLUSIONS OF LAW

The respondent was charged with numerous violations of the Iowa Code and with Board regulations under the Iowa Administrative Code. These violations included violations of the sanitation

requirements of Chapter 155.17, The Code, and IAC 622-2.2(2), violation of the requirements for prescriptions set forth in Chapter 155.33, The Code, violation of refill limits set on prescription as set out in Chapter 155.34, The Code, and failure to keep appropriate records as required under Chapter 204.306, The Code. Also failure to obtain written prescription prior to dispensing of Schedule II controlled substances a violation of Chapter 204.308, The Code, and Board regulations IAC 620-8.11.

Testimony at the hearing indicated that these violations were found by Investigator J.W. Reardon and were attested to as being accurate and correct during testimony elicited at the hearing. Respondent at no time during the testimony refuted or disputed any of the charges against him but rather offered certain reasons and rationales why these particular violations occurred.

In conclusion from the testimony presented at the hearing and documentary evidence submitted it is clear that the violations as alleged did occur and that these violations were not denied nor refuted by the respondent at any time during the hearing. Respondents position at the hearing was that there were mitigating circumstances relative to the violations.

DECISION AND ORDER

The Iowa State Board of Pharmacy Examiners after reviewing the testimony, evidence and exhibits presented at the hearing finds that the respondent Orville M. Richardson pharmacist/proprietor of Swan Drug Company, 1302 West Locust Street, Davenport, Iowa is found to be in violation of those statutes and rules set out in the notice of hearing. The Board is of the opinion that the respondent has acted in such a manner as to exhibit a blatant disregard of proper procedures required of licensed pharmacist and a total disregard of statutory and regulatory requirements imposed upon licensed pharmacists. Therefore it is adjudged, decreed and ordered that the following licenses of Orville M. Richardson are revoked: (1) The license to practice pharmacy of Orville M. Richardson #R11990, (2) the license to operate a phar

macy issued to Orville M. Richardson for Swan Drug Company, 1302 West Locust Street, Davenport, Iowa License #602 and (3) The Iowa Uniform Controlled Substance Registration issued to Swan Drug Company, 1302 West Locust Street, Davenport, Iowa #1106040. This revocation is immediately effective on receipt of this decision by the licensee Orville M. Richardson.

Dec. 16, 1982
DATE

Mark W. Wheeler
MARK W. WHEELER
HEARINGS OFFICER