

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Pharmacist License of) ROBERT E. RICHESON) License No. 12727,) Respondent.)	Case No. 2010-120 STATEMENT OF CHARGES
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COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 10, 1961, the Board issued Robert E. Richeson ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 12727, 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, 2011.
5. Respondent's most recent address of record is 1218 Second Street, Camanche, Iowa 52730.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Camanche Pharmacy, 818 Seventh Avenue, Camanche, Iowa 52730.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa as evidenced by, among other things, Respondent's dispensing controlled substances in the absence of a prescription, in violation of Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b).

COUNT II – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(17) (2011), and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to a patient in the absence of a prescription.

COUNT III – VIOLATION OF CONTROLLED SUBSTANCES LAW

Respondent is charged with violating laws relating to controlled substances in violation of Iowa Code §§ 124.403(c) and 155A.12(5) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(h) and 36.1(4)(j).

COUNT IV – WILLFULLY MAKING FALSE STATEMENT

Respondent is charged with willfully making false statements in connection with prescriptions and records required by Iowa Code chapter 155A (2009) in violation of Iowa Code §§ 155A.12(1), 155A.23(1)(a)(2) and 155A.23(b) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ac), by falsifying prescription records.

COUNT V – CONVICTION OF A felony

Respondent is charged with conviction of a felony related to pharmacy in violation of Iowa Code §§ 155A.12(1) and (5) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(e) and 36.1(4)(j).

B. CIRCUMSTANCES

An investigation was commenced October 5, 2010, which revealed the following:

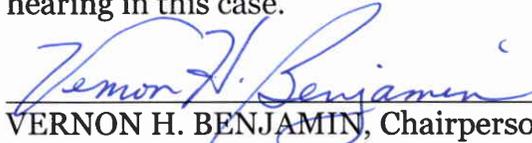
1. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Camanche Pharmacy, 818 Seventh Avenue, Camanche, Iowa 52730.
2. On seven occasions during August and September, 2010, Respondent dispensed a controlled substance, hydrocodone, to a patient who had not been prescribed the medication. Records at Camanche Pharmacy were created to attribute prescriptions for the hydrocodone to a Camanche physician.
3. On March 24, 2011, Respondent was convicted on two felony counts of violating Iowa Code § 155A.23 (2011) ("Prohibited Acts"). Respondent's conviction and sentence were part of a plea agreement. Five additional counts of violating Iowa Code § 155A.23 (2011) were dismissed.

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 27th day of April 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON H. BENJAMIN, 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, Iowa

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VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Robert E. Richeson, a resident of Camanche, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my State of Iowa pharmacist license, number 12727, to the Iowa Board of Pharmacy, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, Robert E. Richeson, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat by any representative, officer, or employee of the Iowa Board of Pharmacy, or by any other state official, do hereby further acknowledge that by signing this surrender statement I am knowingly and willingly giving up my right to exercise the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy on the matter of my continued licensure as a pharmacist pursuant to Iowa Code chapter 155A (2011).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy.
- (3) My right to submit evidence and to call witnesses on my own behalf at a formal hearing.

I, Robert E. Richeson, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Pre-requisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed

from the date of the board's order or the date of voluntary surrender.

36.13(2) Pharmacist license revoked or surrendered--examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 36.14 (17A, 124B, 147, 155A, 272C).

36.13(4) Burden of proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657--Chapter 14.

I, Robert E. Richeson, hereby further give my assurance that I will not engage, in any manner, in the practices of a pharmacist in the State of Iowa for which a license is required.

6-7-2011
Date of signature

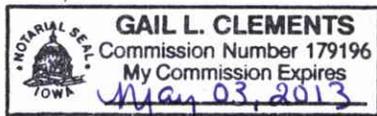
Robert E. Richeson
Robert E. Richeson

State of Iowa
County of Clinton

Subscribed and sworn to before me by Robert E. Richeson on this 7th day of June 2011.

Gail L. Clements
NOTARY PUBLIC FOR THE STATE OF IOWA

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

Re:)	ORDER
Pharmacist License of)	ACCEPTING
ROBERT E. RICHESON)	SURRENDER OF
License No. 12727)	PHARMACIST LICENSE

29th **COMES NOW**, Susan M. Frey, Chairperson of the Iowa Board of Pharmacy, on the day of June, 2011, and declares that:

- 1. On June 7, 2011, Respondent executed a voluntary surrender of his pharmacist license number 12727.
- 3. On June 29th, 2011, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 12727 is hereby accepted.

IOWA BOARD OF PHARMACY



SUSAN M. FREY, Chairperson