

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2015-197
Pharmacist License of	)	
<b>DAVID SCHLUETER</b>	)	<b>COMBINED STATEMENT OF</b>
License No. 16411	)	<b>CHARGES, SETTLEMENT</b>
Respondent.	)	<b>AGREEMENT, AND FINAL ORDER</b>

---

**COME NOW** the Iowa Board of Pharmacy ("Board") and David Schlueter ("Respondent"), 3645 Crescent Ridge, Dubuque, IA 52003, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

**A. STATEMENT OF CHARGES**

**COUNT I  
FORGING PRESCRIPTIONS**

Respondent is charged with forging a prescription, pursuant to Iowa Code sections 155A.12(1), (3), 147.55(3), and (9), and 657 IAC 36.1(4)"c" and "an".

**B. FACTUAL CIRCUMSTANCES**

1. In October of 2000, Respondent's pharmacist license was disciplined by the Board for falsifying medical records and creating false patient profiles.
2. From January 2013 to July 2015, Respondent admits to forging and dispensing approximately 14 prescriptions for controlled substances for a family member.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent acknowledges that he has the right to be represented by counsel on this matter.

7. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

8. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

9. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

10. This Order shall not be binding as to any new complaints received by the Board.

11. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

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

**IT IS THEREFORE ORDERED:**

14. Respondent's license to practice pharmacy is **INDEFINITELY SUSPENDED** until all of the following conditions are satisfied. Once the conditions are satisfied, Respondent's license shall be reinstated automatically:

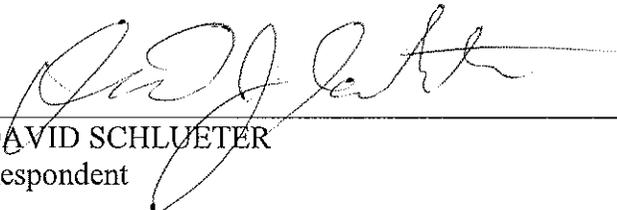
- a. Respondent shall undergo a comprehensive physical and mental evaluation from a Board-approved evaluator to gauge whether there is any condition underlying Respondent's repeated dishonest behavior. Respondent shall comply with any treatment recommended by the evaluator. Respondent's license shall not be reinstated until the evaluator submits written verification to the Board that Respondent is safe to practice pharmacy.
- b. Respondent shall complete 2.0 CEU/20 contact hours of continuing education in the area of pharmacy ethics. These CEUs are in addition to the CEUs required for license renewal and cannot be counted towards the CEUs required for license renewal under 657 IAC 2.12. Respondent shall submit certificates to the Board as proof of completion of this requirement. The certifications can be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309. Respondent is responsible for all costs associated with obtaining the required continuing education.

- c. Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

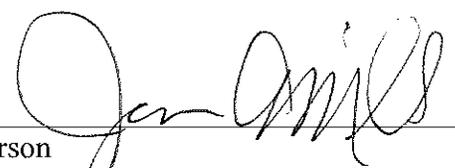
15. Respondent shall immediately provide a copy of the Notice of Hearing and Statement of Charges and this Order to his current employer. Prior to accepting any new positions as a pharmacist (no later than at the time of an employment interview), Respondent must provide a copy of the Notice of Hearing and Statement of Charges and this Order to the potential pharmacy employer.

16. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11<sup>th</sup> day of February, 2016.

  
\_\_\_\_\_  
DAVID SCHLUETER  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8<sup>th</sup> day of March, 2016.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier  
Assistant Attorney General  
Licensing & Administrative Law Division  
Iowa Department of Justice  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

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

---

Re:	)	Case No. 2000-16411
Pharmacist License of	)	
<b>DAVID SCHLUETER</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 16411	)	
Respondent	)	

---

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners 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 (1999).
3. On February 21, 1984, the Board issued Respondent, David Schlueter, a license to engage in the practice of pharmacy by examination as evidenced by license number 16411, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16411 is current and active until June 30, 2001.
5. Respondent's current address is 3645 Crescent Ridge, Dubuque, Iowa 52001.
6. Respondent is currently employed as a pharmacist at Taylor Pharmacy, 1000 Langworthy, Dubuque, Iowa, and has been employed as such during all times relevant to this statement of charges.

**COUNT I**

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code § 36.1(4)(i) with violating the rules of the Board when it violated 657 Iowa Administrative Code §§ 8.5(1) (misrepresentative deeds), 8.5(1) (unprofessional conduct or behavior), & 36.1(4)(c) (fraudulent representations and unethical conduct).

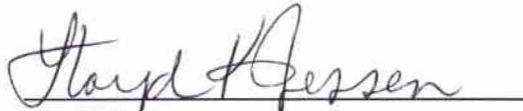
**THE CIRCUMSTANCES**

1. A Board investigator received information that the Respondent's employer had

discovered falsified medication records and "irregularities" in the Respondent's "cafeteria fund".

2. During a Board investigator's investigation of the allegations set forth in paragraph 1, above, the Respondent admitted he had falsified his own medication records so he could submit falsified items to his "cafeteria plan" for repayment and shelter some of his money from income taxes.
3. During the investigation, the Respondent also admitted that he had fabricated false medical profiles for three other persons. One of these individuals was an exchange student who would be reimbursed for medical expenses incurred in the United States.

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 Secretary/Director

On this 12<sup>th</sup> day of September, 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Matthew C. Osterhaus, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

---

Re: ) Pharmacist License of ) <b>DAVID SCHLUETER</b> ) License No. 16411 ) Respondent )	Case No. 2000-16411  <b>STIPULATION AND CONSENT ORDER</b>
---	---

---

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and David Schlueter, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on September 12, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on February 21, 1984, by examination as evidenced by Pharmacist License Number 16411, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16411, issued to and held by Respondent is active and current until June 30, 2001.
3. Respondent is currently employed as a pharmacist at Taylor Pharmacy, 1000

Langworthy, Dubuque, Iowa, and has been employed as such during all times relevant to this case.

4. A Statement of Charges was filed against Respondent on September 12, 2000.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be suspended for a period of thirty (30) days. The suspension shall be stayed, however, and the Respondent's license placed on probation for two (2) years with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
  - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will submit a typewritten paper to the Board reporting on the importance of ethics in the practice of pharmacy. The typewritten paper shall address the Respondent's practice of pharmacy in his current work setting as well as general principles relating to the ethical practice of pharmacy and shall be not less than five pages, double spaced, in length. The Respondent shall also explain the steps he took to review the ethical principles of the practice of pharmacy and include a list of materials he reviewed during this process in the paper provided to the Board. The Board will review the Respondent's paper and

provide feedback to the Respondent. In the event the Board has any concerns regarding the substance of the Respondent's paper, the Board, in its sole discretion, may require the Respondent to re-write the paper and re-submit it to the Board. Following the Board's review and approval of the paper, the Respondent agrees to adopt, implement, and adhere to the concepts set forth in the paper whenever engaging in the practice of pharmacy.

- b. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in pharmacy ethics and pharmacy law. The education shall be *not less than* ten (10) hours in length with at least three of the ten hours in the area of pharmacy ethics. The education shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
- c. During probation, Respondent shall 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.
- d. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the

Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.

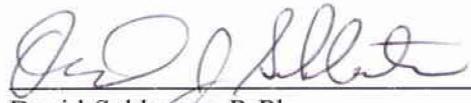
- e. Respondent shall appear informally before the Board as upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
9. Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he works under to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
10. 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 the Respondent's Iowa pharmacist license, to reinstate the thirty day

suspension, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

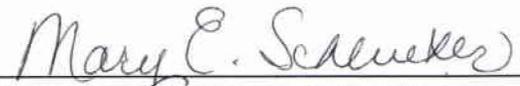
11. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
12. This proposed settlement 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 party. 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 in a disciplinary action.

\*\*\*\*\*

14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 30 day of October, 2000.

  
\_\_\_\_\_  
David Schlueter, R.Ph.  
Respondent

Subscribed and sworn to before me by David Schlueter on this 30 day of October, 2000.

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA



15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy  
Examiners on the 14 day of November, 2000.



MATTHEW C. OSTERHAUS, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319