

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

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**IN THE MATTER OF THE LICENSURE DISCIPLINE OF  
CHRIS A. SMART, R.PH., LICENSEE**

**No. 15339**

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**STATEMENT OF CHARGES  
&  
INFORMAL SETTLEMENT  
(Combined)**

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**COMES NOW** the Iowa Board of Pharmacy Examiners (the Board), and Chris A. Smart, R.Ph. (the Licensee), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following Statement of Charges and Informal Settlement.

**STATEMENT OF CHARGES**

1. The Licensee was issued license number 15339 to practice pharmacy in Iowa on July 12, 1978. The license is valid and will next expire on June 30, 1999.
2. The Board received a complaint which alleged that the Licensee had obtained a controlled substance unlawfully. An investigation into the complaint was conducted.

3. The Board's investigation found that the Licensee had obtained Lortab® 7.5mg, a Schedule III controlled substance, for his own personal use without prescriber authorization during 1996 and 1997.

4. Pursuant to pertinent provisions of sections 155A.12, 155A.21, 155A.23, 124.308, 124.402 and 124.403 of the 1997 Code of Iowa and 657 IAC 9.1, 9.4, and 9.8 the Board is authorized to impose discipline against the Licensee.

### INFORMAL SETTLEMENT

5. The Board has jurisdiction over the parties and subject matter herein.

6. The Licensee admits the allegation contained in paragraph 3 of the Statement of Charges.

7. Immediately upon the Board's approval of this Statement of Charges and Informal Settlement, the Licensee's Iowa pharmacist license shall be placed on probation with conditions for three (3) years due to the incident described in paragraph 3 herein.

8. Licensee's probationary period shall include the following terms and conditions:

a. Licensee shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Licensee by a licensed, treating physician or other qualified treating health care provider.

b. Licensee shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify Licensee's compliance with any drug therapy ordered by Licensee's physician, all costs of which shall be paid by the Licensee.

c. Licensee shall comply with all treatment recommendations of his physician.

d. Licensee shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Statement of Charges and Informal Settlement. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Licensee's probation. The quarterly reports shall include the Licensee's place of employment, current address, and any further information deemed necessary by the Board from time to time. Licensee's first quarterly report shall be filed with the Board not later than September 5, 1997.

e. Licensee shall make personal appearances before the Board or a Board committee upon request. The Licensee shall be given reasonable notice of the date, time, and location for any such appearances.

f. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

g. Licensee shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

h. Licensee shall not supervise any registered intern and shall not perform any of the duties of a preceptor.

i. Licensee shall not be an owner of a pharmacy nor serve as the pharmacist in charge of a pharmacy.

j. Licensee may participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.

k. Licensee shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Licensee by this document. Within thirty (30) days after approval of this Statement of Charges and Informal Settlement by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Licensee shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

9. In the event the Licensee leaves Iowa to reside or to practice outside the state, the Licensee shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of this Informal Settlement. However, evidence that the Licensee has failed to abide by the terms of subparagraph 8-a of this Statement of Charges and Informal Settlement while outside the state shall constitute a violation of this Statement of Charges and Informal Settlement.

10. Should Licensee violate or fail to comply with any of the terms of conditions of this Statement of Charges and Informal Settlement, the Board may initiate action to revoke or suspend the Licensee's Iowa pharmacist license or to impose other licensee discipline as authorized in Iowa Code chapters 272C and 155A and 657 IAC 9.1.

11. Upon full compliance with the terms and conditions of this Statement of Charges and Informal Settlement and upon expiration of the period of probation, the Licensee's Iowa pharmacist license shall be restored to its full privileges free and clear of the terms of probation.

12. This Statement of Charges and Informal Settlement is the commencement and resolution of a contested case proceeding and is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Informal Settlement, it shall be of no force or effect to their party.

13. By entering into this Statement of Charges and Informal Settlement agreement, the Licensee voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of the Informal Settlement.

14. The Board's approval of this Statement of Charges and Informal Settlement shall constitute a **FINAL ORDER** of the Board.

  
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Chris A. Smart, R.Ph., Licensee

Signed in my presence by Chris A. Smart, R.Ph., on July 10, \_\_\_\_\_,  
1997.

  
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Notary Public or Disinterested Witness

This Statement of Charges and Informal Settlement is approved by the Board on  
July 15, \_\_\_\_\_, 1997.

  
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Phyllis A. Olson, R.Ph.  
Chairperson  
Iowa Board of Pharmacy Examiners

cc: Lloyd K. Jessen, R.Ph., J.D., Executive Secretary/Director  
Linny C. Emrich, Assistant Attorney General  
Chris A. Smart, R.Ph., Licensee  
Lindy A. Pearson, Chief Investigator