

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-68
Pharmacist License of)	
JEFFREY L. SMITH,)	STATEMENT OF CHARGES
License No. 15421,)	
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter referred to as the "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 (2007).
3. On February 21, 1979, the Board issued Jeffrey L. Smith (hereinafter, "Respondent"), by examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 15421, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is current and active through June 30, 2009.
5. Respondent's current address is 905 N. 20th Avenue, Ozark, MO 65721.
6. At all material times, Respondent was employed as a pharmacist in the State of Missouri.

A. CHARGE

COUNT I – VIOLATING ANOTHER STATE'S LAWS RELATING TO PHARMACY

Respondent is charged pursuant to Iowa Code §§ 155A.12(1) and 155A.12(8) (2005), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of the state of Missouri which relate to the practice of pharmacy and the distribution of prescription drugs.

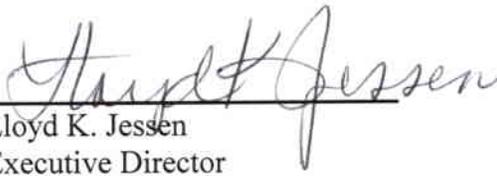
COUNT II – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION

Respondent is charged pursuant to Iowa Code § 155A.12(1) (2007), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of licensing authority in another state within thirty days of that decision.

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 25 day of Oct. 2007, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


PAUL ABRAMOWITZ, 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

BEFORE THE BOARD OF PHARMACY FOR THE STATE OF IOWA

Re:)
Pharmacist License of)
JEFFREY L. SMITH)
License No. 15421)
Respondent)

Case No. 2007-68

**STIPULATION
AND
CONSENT ORDER**

RECEIVED

MAY 21 2008

IOWA BOARD OF PHARMACY

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2007), the Iowa Board of Pharmacy (hereinafter, "the Board") and Jeffrey L. Smith (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on February 21, 1979, by examination, as evidenced by Pharmacist License Number 15421, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2009.
3. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist in the State of Missouri. Respondent's license to practice pharmacy in Missouri was the subject of a disciplinary order issued by the Missouri Board of Pharmacy on March 1, 2006 which placed him on probation for three years and imposed a number of probationary conditions, including a requirement that Respondent take the applicable Missouri jurisprudence exam.

4. A Statement of Charges was filed against Respondent by the Board on October 25, 2007.

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

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's Iowa registration shall be placed on probation for a term of two (2) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

b. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. Each report shall include, in addition to the information required by subparagraph (e) above, Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to

time.

c. Respondent shall not serve as a pharmacist-in-charge or as a preceptor.

d. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

e. 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 any pharmacist-in-charge 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.

f. Respondent shall appear informally before the Board, 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.

g. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$250. This civil penalty payment shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

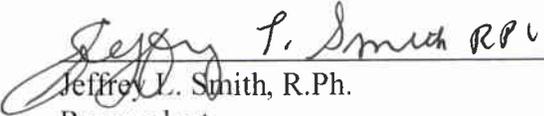
9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2007) and 657 IAC 36.

10. 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.

11. 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

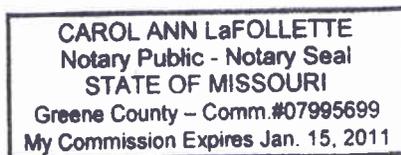
12. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

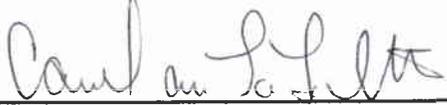
This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 2 day of May 2008.



Jeffrey L. Smith, R.Ph.
Respondent

Subscribed and sworn to before me by Jeffrey L. Smith on this 2 day of May 2008.





NOTARY PUBLIC IN AND FOR
THE STATE OF MISSOURI

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 4th day of June 2008.



LEMANN E. OLSON, Chairperson
Iowa Board of Pharmacy
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319