

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-172
Pharmacy Support Person)	
Registration of)	STATEMENT OF CHARGES
TYLER ANTHONY SMITH)	
Registration No. 792,)	
Respondent)	

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

1. He is the Executive Director of the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2011).
3. The Board issued Tyler Anthony Smith (hereinafter, "Respondent") pharmacy support person registration number 792, subject to the laws of the State of Iowa and the rules of the Board. Respondent's registration was last renewed on July 12, 2010, and will expire on June 30, 2012.
4. At all times material to this Statement of Charges, Respondent was employed as a pharmacy support person at Hy-Vee Pharmacy, Perry, Iowa.

A. CHARGES

COUNT I – UNLAWFUL POSSESSION AND DISTRIBUTION OF DRUGS

Respondent is charged pursuant to Iowa Code §§ 124.403, 155A.6B(5) and 155A.21 (2011), and 657 Iowa Administrative Code § 36.1(4)(h), with possession and distribution of a prescription drugs – specifically, controlled substances – for other than lawful purposes.

COUNT II – VIOLATING LAWS RELATED TO PHARMACY

Respondent is charged pursuant to Iowa Code § 155A.6B(5) (2011) and 657 Iowa Administrative Code § 36.1(4)(j) with violating state laws related to the practice of pharmacy; specifically, laws relating to possession and distribution of controlled substances found at Iowa Code §§ 124.403, 155A.21 and 155A.23 (2011).

COUNT III – INABILITY TO PRACTICE DUE TO CHEMICAL ABUSE

Respondent is charged pursuant to Iowa Code § 155A.6B(5) (2011), and 657 Iowa Administrative Code § 36.1(4)(m) with the inability to practice as a pharmacy support person, with reasonable skill and safety, due to chemical abuse.

B. CIRCUMSTANCES

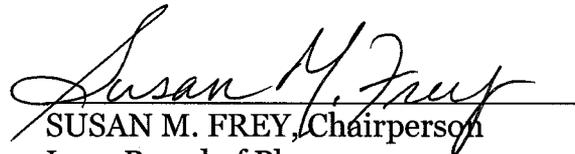
On November 23, 2011 an investigation was commenced which revealed the following:

1. At all material times, Respondent was employed as a pharmacy support person at the Hy-Vee Pharmacy, Perry, Iowa.
2. Respondent was arrested by Perry Police Department officers on September 28, 2011 with two vials of drugs in his possession. One contained 40 tablets of hydrocodone/apap/5/500mg. The other contained 78 tablets of lorazepam. Respondent admitted taking the drugs from Hy-Vee and distributing them to others.
3. The lorazepam tablets were obtained by Respondent after he forged a script, using a cousin's name as the patient name.
4. On April 27, 2012, Respondent pleaded guilty in Iowa District Court to controlled substance violations.

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 June 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa Weeg
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2011-172
)
TYLER ANTHONY SMITH) **SETTLEMENT AGREEMENT**
Registration No. 792) **AND**
) **FINAL ORDER**
)

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Tyler Anthony Smith, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board issues Tyler Anthony Smith pharmacy support person registration number 792. Respondent's registration expired on June 30, 2012.
2. A Statement of Charges was filed against Respondent on June 27, 2012.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

5. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacy registration.
6. This voluntary surrender is considered a revocation of license under Iowa Administrative Code rule 657—36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.
7. Respondent may request reinstatement of his Iowa pharmacy support person registration by filing an application for reinstatement under Iowa Administrative Code rule 657—36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of his license no longer exists, and that it is in the public interest for the license to be reinstated.
8. Respondent agrees not to engage in any aspect of the practice of pharmacy after the date of his signature on this Order, and until Respondent otherwise becomes registered or licensed to so practice any such aspect of pharmacy in the future.
9. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and Iowa Administrative Code rule 657—36.
10. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
11. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.

12. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
13. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 22nd day of October 2012.



TYLER ANTONY SMITH
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 9th day of November 2012.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
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Des Moines, Iowa 50309-4688

cc: Meghan Gavin
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