

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2013-10
Pharmacist License)	
THOMAS SNYDER)	NOTICE OF HEARING
License No. 13427,)	& STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacist license number 13427. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 29, 2014, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon session, beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2013) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I

UNETHICAL CONDUCT OR PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.1(4)(c).

Count II

HABITUAL INTOXICATION OR ADDICTION

Respondent is charged with habitual intoxication or addition in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.1(4)(d).

D. FACTUAL CIRCUMSTANCES

1. Respondent is an Iowa-licensed pharmacist previously employed as a floater pharmacist at Wal-Mart Pharmacies in Sioux City, Le Mars, and Sioux Center, Iowa.
2. Respondent reported to the Board in January 2013 that he has been arrested in Sheldon, Iowa, during December 2012 for third-offense OWI. Respondent eventually was found guilty of second-offense OWI.

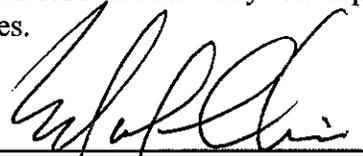
3. Respondent submitted to a substance abuse assessment. At the time of that assessment it was recommended that Respondent participate in extended outpatient services, and was admitted to those services on January 23, 2013.
4. On June 27, 2013, the Board ordered the Respondent to complete a further evaluation at a Board-approved facility.
5. That evaluation, submitted to the Board in October 2013, diagnosed the Respondent with alcohol abuse and recommended Respondent complete extended outpatient treatment, abstain from alcohol use, and attend AA meetings. Respondent has refused to comply with these recommendations.
6. Respondent was terminated from his employment as a floater pharmacist with Wal-Mart for failing to follow the policy for filling his own prescription or for partial filling a prescription.
7. The Respondent partially filled 5 or 6 tablets of primidone from three different Wal-Mart locations. Although the Respondent had a valid prescription for primidone he did not run his prescription through the computer system for these tablets nor did he pay for them.
8. The Respondent attempted to replace the tablets taken when he later got his prescription filled.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this the 12th day of March, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building

Des Moines, Iowa

Thomas J. Whorley

WOLFF WHORLEY DE HOOGH & SCHREURS PLLC

934 Third Avenue, Suite 200

P.O. Box 309

Sheldon, IA 51201-0309

ATTORNEY FOR RESPONDENT

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-10
Pharmacist License of)	
)	
THOMAS SNYDER,)	SETTLEMENT AGREEMENT
License No. 13427,)	AND FINAL ORDER
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy and Thomas Snyder (Respondent), have agreed to settle a contested case currently pending before the Board. The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follow:

1. Respondent holds Iowa pharmacist license number 13427, which is currently active.
2. Respondent was, at all material times relevant to the Statement of Charges, employed as a floater pharmacist at Wal-Mart Pharmacies in Sioux City, Spencer, Le Mars, and Sioux Center, Iowa.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent. The Statement of Charges contained two counts: Unethical Conduct exercised in the refilling of a personal prescription of a non-controlled drug and conviction of three OWIs constituting "habitual intoxication."
5. Respondent has chosen to forego a contested case hearing in this matter and freely and voluntarily chooses to submit this Settlement Agreement and Final Order.
6. Respondent is hereby CITED for unethical conduct and WARNED that future violations of the law could result in further disciplinary action.
7. Respondent agrees that he will not serve as a pharmacist-in-charge.
8. Respondent agrees not to work as a pharmacist more than twenty-four (24) hours a week or more than seventy-five (75) hours in any given calendar month without the express written consent of the Board.
9. Respondent agrees to abide by all current and future recommendations issued by Jackson Recovery Centers.
10. Respondent shall report any criminal charges in writing to the Board within ten (10) days regardless of whether they relate to the practice of pharmacy. Respondent shall subsequently report the final disposition of such charges in writing to the Board within ten (10) days of disposition.
11. 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.
12. This stipulated order is a public record.

13. The State's legal counsel may present this Settlement Agreement and Final Order to the Board *ex parte*

14. 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.

15. 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 17th day of November, 2014.


For Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 19th day of November, 2014.


EDWARD L. MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
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Hoover State Office Building
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ATTORNEY FOR RESPONDENT