

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Application for Certified Technician
Registration of

DOUGLAS STEWART
Applicant

REGISTRATION BY CONSENT AGREEMENT

RECEIVED
OCT 09 2020

COME NOW the Iowa Board of Pharmacy ("Board") and Douglas Stewart ("Applicant"), 1306 S 15th St, Burlington IA 52601, and enter into this Registration by Consent Agreement, pursuant to Iowa Code sections 17A.10 and 17A.18 (2020). The Board has jurisdiction over Applicant and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C, and 657 IAC chapter 3.

A. LEGAL GROUNDS

1. The Board has the authority to deny a technician registration for any violation of the Board's rules. See Iowa Code § 155A.6A(5) and 657 IAC 3.29.
2. The Board may deny a technician registration for conviction of a felony that would affect the registrant's ability to practice within the profession. 657 IAC 36.6(5).

B. FACTUAL CIRCUMSTANCES

3. On July 1, 2020, the Board received a technician registration application from Applicant.
4. In October 2014, Applicant was convicted of possession and distribution of child pornography in the United States District Court for the Central District of Illinois.
5. Applicant is currently on supervised release through the U.S. Probation Office.

C. REGISTRATION BY CONSENT

6. Applicant admits the allegations in the Factual Circumstances and acknowledges that the allegations, if proven in a contested case hearing concerning registration denial, would constitute grounds for the adverse action agreed to in this Agreement.
7. Execution of this Agreement constitutes the resolution of a contested case. Applicant has a right to hearing before the Board on the grounds for registration denial, but Applicant 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 Agreement. Once entered, this Agreement shall have the force and effect of a Board Order entered following a contested case

hearing concerning registration denial.

8. Applicant acknowledges that he has the right to be represented by counsel on this matter.

9. This Agreement is subject to approval by a majority of the full Board. If the Board does not approve this Agreement, 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 Agreement, it shall be the full and final resolution of this matter.

10. This Agreement shall be part of Applicant'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.

11. Applicant understands that this Agreement constitutes adverse action and that the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.

12. This Agreement, 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 Agreement shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Applicant shall be issued a certified technician registration, which shall be placed on **INDEFINITE PROBATION** for the duration of his supervised release, subject to the following terms:

- a. Applicant must comply with all conditions of supervised release and all requirements of the U.S. Probation Office. Applicant agrees to execute any releases necessary to allow the Board to receive information from the U.S. Probation Office regarding his compliance with the conditions of his supervised release.
- b. Applicant must notify any prospective employers of this Agreement prior to beginning employment at a pharmacy.
- c. Applicant must participate in counseling on a regular basis.
- d. Applicant must appear before the Board upon request for the purpose of evaluating his performance during the probationary period. Applicant will be given reasonable notice of the date, time, and place for such appearances.
- e. Applicant shall obey all federal and state statutes and regulations governing the practice of pharmacy.


- f. Applicant must submit quarterly reports to the Board describing his compliance with this Agreement via email to amanda.woltz@iowa.gov. The quarterly reports are due by March 5th (reporting on December-February), June 5th (reporting on March-May), September 5th (reporting on June-August), and December 5th (reporting on September-November).
- g. Applicant shall provide written notice to the Board when he completes the period of supervised release with the U.S. Probation Office and the probationary period will terminate at that time.

15. Should Applicant violate the terms of this Agreement, the Board may initiate action to impose licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC chapter 36.

10/5/20
Date


DOUGLAS STEWART
Applicant

This Registration by Consent Agreement is approved by the Iowa Board of Pharmacy on
November 17, 2020.


Chairperson
Iowa Board of Pharmacy