

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

Re:)	Case No. 2003-24
Pharmacist License of)	
LEON J. SWIFT)	STATEMENT OF CHARGES
License No. 16172)	
Respondent)	

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

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners 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 (2003).
3. On July 21, 1982, the Board issued Respondent, after examination, a license to engage in the practice of pharmacy as evidenced by license number 16172, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and inactive.
5. Respondent's current address is 2428 River Rock Circle, Arlington, Texas 76006.

COUNT I – INABILITY TO PRACTICE BY REASON OF IMPAIRMENT

Respondent is charged under Iowa Code § 155A.12 (2003) and 657 Iowa Administrative Code § 36.1(4)(m) with an inability to practice with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

COUNT II – BEING ADJUDGED INCOMPETENT

Respondent is charged under Iowa Code § 155A.12 (2003) and 657 Iowa Administrative Code § 36.1(4)(n) with having been adjudged mentally incompetent by a court of competent jurisdiction.

COUNT III – HAVING LICENSE REVOKED BY ANOTHER STATE

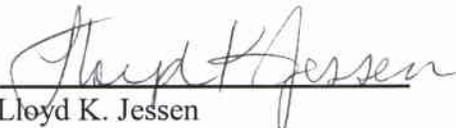
Respondent is charged under Iowa Code § 155A.12 (2003) and 657 Iowa Administrative Code § 36.1(4)(ee) with having had his pharmacy license revoked in another state for conduct substantially equivalent to a ground for discipline in Iowa.

THE CIRCUMSTANCES

On or about March 27, 2003, an investigation of Respondent was commenced, revealing the following:

1. On January 3, 2001, Respondent confronted a physician whom he knew, chased the physician when he fled from Respondent and shot at (but missed) the physician until Respondent's gun jammed. Respondent then assaulted the physician. Respondent accused the physician of placing something in Respondent's brain during medical school.
2. Prior to the January 3, 2001 incidents, Respondent, who has bi-polar and Schizoaffective disorders, had ceased taking prescribed medications, been drinking large quantities of Diet Coke and gone without sleep.
3. Respondent consented to revocation of his pharmacy license in the State of Texas on February 6, 2002, based on an allegation that Respondent "has developed an incapacity of a nature that prevents a pharmacist or applicant from engaging in the practice of pharmacy"
4. On January 29, 2001, Respondent was adjudged incompetent to stand trial by a Texas jury. Subsequently, on April 18, 2001, Respondent was certified as competent to stand trial. Respondent's trial on charges of attempted murder is pending.

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 Secretary/Director

On this 29 day of July 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners
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 EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2003-24
Pharmacist License of)	
LEON J. SWIFT)	STIPULATION
License No. 16172)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Leon J. Swift (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

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 July 21, 1982, following examination, as evidenced by Pharmacist License Number 16172, which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent is inactive.
3. Respondent was, at all times material to the Statement of Charges, unemployed.
4. A Statement of Charges was filed against Respondent on July 29, 2003.
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 license shall be suspended indefinitely. During such indefinite period of suspension, Respondent may seek to obtain an evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy. If Respondent is eventually able to obtain a fully documented current evaluation which affirmatively concludes Respondent is mentally and physically fit to practice pharmacy, Respondent may petition the Board for the ~~for~~ termination of Respondent's license suspension and commencement of a period of probation.

8. A petition for termination of license suspension must include a written report from a physician/treatment-provider who, (a) in a fully documented and detailed written summary, (b) of a current evaluation of Respondent, (c) affirmatively concludes Respondent is mentally and physically fit to practice pharmacy.

9. If Respondent successfully petitions the Board – pursuant to the terms of paragraph 8 above – for termination of his license suspension, Respondent's license to practice pharmacy shall be placed on probation on terms which shall include, but not be limited to, the following:

- a. Respondent must agree to comply with the terms of probation.
- b. The period of probation shall be five (5) years provided, however, that only those time periods during which Respondent is employed in Iowa as a pharmacist-intern or as a pharmacist shall count toward exhaustion of the probationary term.
- c. Prior to practicing as a pharmacist, Respondent shall (i) re-take and pass

the Iowa edition of the Multi-State Pharmacy Jurisprudence Exam (MPJE), and
(ii) re-take and pass the North American Pharmacist Licensure Exam (NAPLEX).

Upon successful completion of the MPJE and the NAPLEX, Respondent shall
(iii) complete a 160 hour pharmacy internship prior to practicing as a pharmacist.
Respondent shall inform the Board, in writing, upon the completion of each of the
requirements of this paragraph.

d. 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.

e. During probation, Respondent shall report to the Board or its designee
quarterly, in writing. The report shall include 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.

f. 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.

g. 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.

- h. Respondent shall not serve as a preceptor.
- i. 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.
- j. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
- k. Respondent shall not possess or use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. Respondent shall inform any treating physician or other treating health care provider of his medical history, including any history of chemical dependency.
- l. Respondent shall provide, upon request of an agent of the Board, copies of or access to all his medical records.
- m. If, as a result of the physical and mental health examinations of Respondent, Respondent's physician/treatment provider recommends a substance abuse treatment program, Respondent shall comply with such recommendations. In the event Respondent is participating in a substance abuse treatment program, Respondent's physician/treatment provider shall submit quarterly reports to the

Board documenting Respondent's compliance with the treatment program.

n. Such other reasonable terms as the Board may wish to impose as a result of the length of time Respondent's license is suspended pursuant to paragraph 8 above.

10. Should the Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2005) and 657 IAC 36.

11. 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.

12. 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.

13. 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 4th day of ~~June~~ 2005.

Aug. 2006.



Leon J. Swift, R.Ph.
Respondent

Subscribed and sworn to before me by Leon J. Swift on this 21 day of ^{aug} July 2006.



Hazel M. Riedesel
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of September 2006.

Michael J. Seifert
MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
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