

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-175
Pharmacist-Intern Registration of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>KELLER TORAL</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 5685	)	
Respondent.	)	

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COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Keller Toral ("Respondent"), 1235 W Golf Road, Libertyville, Illinois 60048 pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent's Iowa pharmacist-intern registration number 5685 is currently active and expires on May 31, 2017.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on March 11, 2014, before the Board. 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. 8<sup>th</sup> 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 pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 Iowa Administrative Code rule 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Cathelyn  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Cathelyn can also be reached by phone at (515) 281-6690 or by e-mail at [laura.cathelyn@iowa.gov](mailto:laura.cathelyn@iowa.gov).

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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.

## **B. LEGAL AUTHORITY AND JURISDICTION**

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

#### **UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCES**

Respondent is charged with unlawful possession of controlled substances in violation of Iowa Code section 155A.21(1), pursuant to Iowa Code section 155A.6(3) and 657 Iowa Administrative Code rules 4.11(1) and 36.1(4)(f).

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent holds Iowa pharmacist-intern registration number 5685, which is currently active and expires on May 31, 2017.
2. Respondent admitted to using Adderall and Xanax that were not prescribed to him on more than one occasion.

## **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 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Cathelyn at (515) 281-6690.

## **F. FINDING OF PROBABLE CAUSE**

On this 14<sup>th</sup> day of January, 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 Eight Street, Suite E  
Des Moines, Iowa 50309-4688

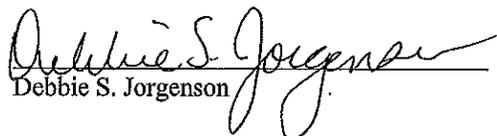
cc: Laura Cathelyn  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> personal service                         | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile        |
| Article Number 917199999170339553278   | <input type="checkbox"/> other _____      |
- on the 15th day of January, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.

  
Debbie S. Jorgenson

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-175
Pharmacist-Intern Registration of	)	
<b>KELLER TORAL</b>	)	<b>SETTLEMENT AGREEMENT AND</b>
Registration No. 5685	)	<b>FINAL ORDER</b>
Respondent.	)	

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Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2014), the Iowa Board of Pharmacy ("Board") and Keller Toral ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a 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:

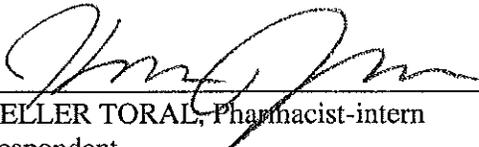
1. The Board has jurisdiction over the parties and the subject matter of these proceedings.
2. Respondent holds Iowa pharmacist-intern registration number 5685, which is currently active and expires on May 31, 2017.
3. A Statement of Charges was filed against Respondent on January 14, 2014. A contested case hearing in this matter is scheduled for March 11, 2014.
4. Respondent is no longer pursuing a degree in pharmacy.
5. 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 discipline.
6. This Order is the resolution of a contested case. By entering into this 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 Order.
7. Respondent is freely and voluntarily entering into this Order.
8. Respondent acknowledges that he has a right to be represented by counsel on this matter.
9. The State's legal counsel may present this Order to the Board *ex parte*.
10. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

11. This Order shall be part of the permanent record of Respondent 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.
12. This Order, 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 Settlement Agreement shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

14. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacist-intern registration to resolve this matter.
15. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement.
16. Respondent shall immediately surrender his pharmacist-intern registration to the Board.
17. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 6 day of March, 2014.

  
\_\_\_\_\_  
KELLER TORAL, Pharmacist-intern  
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 12th day of March, 2014.

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

cc: Laura Cathelyn  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319