

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

Re:	)	Case No. 2003-14
Pharmacist License of	)	
<b>WALTER J. TSCHOPP</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14261,	)	
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 1, 1973, the Board issued Respondent, by exam, a license to engage in the practice of pharmacy as evidenced by license number 14261, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2005.
5. Respondent's current address is 861 First Street SE, Hartley, Iowa 51346.
6. Respondent was, at all times material, employed as the pharmacist in charge at Med-Equip Pharmacy #0, 141 South Central, P.O. Box 28, Hartley, Iowa 51346.

**A. CHARGES**

**COUNT I-- FAILURE TO MAINTAIN CONTROL OVER DRUGS**

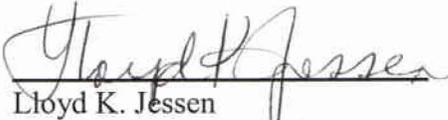
Respondent is charged with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a) and 155A.12(1) (2003), and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

**B. CIRCUMSTANCES**

On or about April 11, 2003, an investigation was commenced, revealing the following:

1. Pharmacist-in-charge Walter Tschopp reported shortages of Adderall at the Hartley Pharmacy, beginning in November 2002. The missing tablets totaled about 480, of several strengths.
2. Beginning in December 2002, the Hartley Pharmacy inventory of schedule II controlled substances was stored in a separate, locked cabinet. Since the enhanced security measures were adopted in December 2002, no additional losses of Adderall have been noted.
3. An investigation by law enforcement authorities indicated that the theft was attributable to a member of Tschopp's family.

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 16<sup>th</sup> day of March 2004, 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. 2003-14
Pharmacist License of	)	
<b>WALTER J. TSCHOPP</b>	)	<b>STIPULATION</b>
License No. 14261	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Walter J. Tschopp (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 1, 1973, following examination, as evidenced by Pharmacist License Number 14261, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2005 .
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Med-Equip Pharmacy #0, 141 South Central, P.O. Box 28, Hartley, Iowa 51346.
4. A Statement of Charges was filed against Respondent on March 16, 2004.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent denies the allegations set forth in the Statement of Charges, but enters into this Stipulation and Consent Order voluntarily in order to resolve the Statement of Charges without the necessity of a hearing.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be placed on probation for a term of three (3) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete continuing pharmacy education ("CPE") or other formal, structured education in controlled substance record keeping and security, and compliance with controlled substances laws. The CPE shall be *not less than* four (4) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within sixty (60) days after the date of Board approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten* pharmacy policies and procedures for the following: (1) record keeping and general accountability for controlled substances and (2) maintaining effective security, controls and procedures to guard against theft, disappearance and diversion of

prescription drugs and controlled substances. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in his current employment setting and whenever engaging in the practice of pharmacy.

c. 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.

d. 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.

e. Respondent shall not serve as a preceptor.

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 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.

i. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

8. The Board and Respondent agree that the above-described three (3) year probationary period may be modified by the Board, upon Respondent's request, after presentation of evidence of Respondent's ongoing compliance with all regulations and statutes relating to the practice of pharmacy. In no event, however, shall Respondent's probationary period be less than one year.

9. Should the Respondent violate or fail to comply with any of the terms or 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 (2003) and 657 IAC 36.

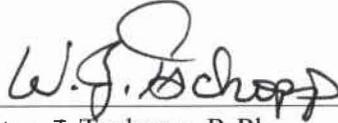
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

11. 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.

12. 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 2nd day of Sept 2004.



Walter J. Tschopp, R.Ph.  
Respondent

Subscribed and sworn to before me by Walter J. Tschopp on this 2nd day of Sept 2004.



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 7 day of October 2004.



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

cc: Scott M. Galenbeck  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

Thomas G. Crabb  
505 5<sup>th</sup> Avenue, Suite 630  
Des Moines, Iowa 50309-2319

515-288-6118  
fax: 515-557-1968  
tgcrabb@covad.net

Tschopp settlement.doc

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST  
WALTER J. TSCHOPP, R.Ph., RESPONDENT**

**2003-14**

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**TERMINATION ORDER**

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**DATE: July 17, 2006**

1. On October 7, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy Examiners placing the license to practice pharmacy, number 14261 issued to Walter J. Tschopp on July 1, 1973, on probation for a period of three years under certain terms and conditions.

2. Respondent has requested early release from the probation.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF PHARAMCY EXAMINERS**



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Michael J. Seifer, Board Chairperson  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2012-190
Pharmacist License of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>WALTER TSCHOPP</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14261	)	
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges against Walter Tschopp, 141 South Central, Hartley, Iowa 51346, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent's Iowa pharmacist license number 14261 is currently active and expires on June 30, 2015.

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

Hearing. A disciplinary contested case hearing shall be held on January 13, 2014, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.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:

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

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

#### **FAILURE TO MAINTAIN CONTROL OVER PRESCRIPTION DRUGS**

Respondent is charged with failing to maintain control over, and preventing the diversion of, prescription drugs, including controlled substances, in violation of Iowa Code section 124.308(4) and 657 Iowa Administrative Code rules 6.2(13) and 6.7, pursuant to Iowa Code sections 155A.12(1) and 155A.12(5), and 657 Iowa Administrative Code rules 36.1(4)(h) and 36.1(4)(u).

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent holds Iowa pharmacist license number 14261, which is currently active and expires on June 30, 2013.

2. Respondent was, at all material times, employed as pharmacist-in-charge at Med-Equip Homecare Pharmacy, 141 South Central, Hartley, Iowa 51346.

3. On November 29, 2012, the Board received a letter self-reporting the diversion of controlled substances.

4. In the diversion, approximately 835 tablets of hydrocodone/APAP, a Schedule III controlled substance, were diverted, of which 257 tablets were recovered. Approximately 386 tablets of clonazepam and alprazolam, Schedule IV controlled substances, were also diverted, of which 344 tablets were recovered.



**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	CASE NO. 2012-190
Pharmacist License of	)	
<b>WALTER TSCHOPP</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 14261	)	<b>AND FINAL ORDER</b>
Respondent.	)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy and Walter Tschopp (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 14261, which is currently active and expires on June 30, 2015.
2. Respondent was, at all material times, employed as pharmacist-in-charge at Med-Equip Homecare Pharmacy, 141 South Central, Hartley, Iowa 51346.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent on November 6, 2013. The Statement of Charges contained one count: Failure to Maintain Control Over Prescription Drugs.
5. The Respondent self-reported the incident underlying the Statement of Charges.
6. Respondent is hereby CITED for failing to maintain control over prescription drugs 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 to complete 4 (four) additional hours of continuing education in the areas of security of the pharmacy and controlled substances. These hours shall not count towards

Respondent's renewal requirements. Respondent shall bear the costs of these additional hours. Proof of the completion of these additional hours shall be provided to the Board office within 6 (six) months of the date of this Settlement Agreement and Final Order.

9. Respondent agrees to notify all future employers of this action and the underlying Statement of Charges should his daughter seek employment at the same pharmacy.

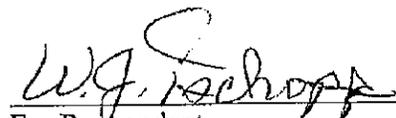
10. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Final Order.

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 5<sup>th</sup> day of March, 2014.

  
For Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 12<sup>th</sup> day of March 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  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

Tom Crab  
ATTORNEY FOR RESPONDENT