

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-154
Certified Technician Registration of	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>VICTOR VAN CLEAVE</b>	)	<b>CHARGES, SETTLEMENT</b>
Registration No. 18662	)	<b>AGREEMENT, AND FINAL ORDER</b>
Respondent.	)	

---

**COME NOW** the Iowa Board of Pharmacy ("Board") and Victor Van Cleave ("Respondent"), and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6. The Board has jurisdiction over Respondent and the subject matter of these cases pursuant to Iowa Code chapters 17A, 147, 155A, and 272C, and 657 IAC chapter 36.

**A. STATEMENT OF CHARGES**

**COUNT I**

**DIVERTING PRESCRIPTION DRUGS**

1. Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

**COUNT II**

**CONTRIBUTING TO THE DISPENSING OF AN INCORRECT PRESCRIPTION**

2. Respondent is charged with dispensing, or contributing to the dispensing of, and incorrect prescription, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ap".

**B. FACTUAL CIRCUMSTANCES**

3. From August to October of 2016, Respondent diverted approximately 252 vials of Fentanyl and 18 vials of hydromorphone from the Omnicell cabinets at his place of employment.

4. Respondent replaced the diverted liquid with sterile water, which resulted in patients not receiving pain medication.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

5. The Board has jurisdiction over the parties and the subject matter of these proceedings.

6. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the

discipline agreed to in this Order.

7. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent 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 Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

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

9. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

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

11. This Order shall be part of Respondent'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.

12. This Order shall not be binding as to any new complaints received by the Board.

13. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

14. 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.

15. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

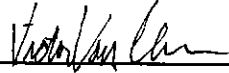
**IT IS THEREFORE ORDERED:**

16. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacy technician registration to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15. Respondent is permanently barred from applying for reinstatement under 657 IAC 36.13.

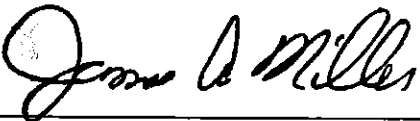
17. Respondent agrees not to work in a pharmacy in any capacity in Iowa.

18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the \_\_\_ day of October, 2016.

  
\_\_\_\_\_  
VICTOR VAN CLEAVE  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 7<sup>th</sup> day of ~~November, 2016~~  
March, 2017.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy