BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of **ROBERT M. WALSH** License No. 14608 Respondent	))))))	Case No. 2001-14608 **COMBINED** **STATEMENT OF CHARGES** **AND** **INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (Board) and Robert M. Walsh, R.Ph. (Respondent) and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into the following statement of charges and informal settlement agreement.

STATEMENT OF CHARGES

A. The Iowa Board of Pharmacy Examiners has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2001).

B. On July 1, 1975 the Board issued Respondent, Robert M. Walsh, a license to engage in the practice of pharmacy by examination as evidenced by license number 14608, subject to the laws of the State of Iowa and the rules of the Board.

C. License number 14608 is current and active until June 30, 2003.

D. The Respondent's current address is 509 Ruthella Dr., West Burlington, Iowa 52655.

E. The Respondent is not currently employed as a pharmacist.

COUNT I

The Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code § 155A.21 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.1(4)(u).

COUNT II

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of impairment in violation of Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(u).

THE CIRCUMSTANCES

1. On or about February 27, 2001, the Board received information that the Respondent had been arrested for theft of Lorazepam 2mg, a schedule IV controlled substance.

2. The Respondent admitted diverting Lorazepam 2mg tablets for his own use.

3. The results of a substance abuse and mental evaluation indicate that the Respondent exhibits the physical and psychological symptoms of addiction to benzodiazepines and suffers from a panic disorder.

INFORMAL SETTLEMENT AGREEMENT

4. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

5. Without making any admission as to the current allegations, the Respondent acknowledges that the allegations in the Statement of Charges constitute grounds for discipline of his license to practice pharmacy in Iowa.

6. Upon the date of the Board's approval of this Combined Statement of Charge and Informal Settlement, Respondent's license to practice pharmacy shall be placed on probation for a period of two (2) years, under the following terms and conditions:

   a. The Respondent shall not 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. The Respondent shall inform any treating physician or other treating health care provider of his medical history, including his history of chemical use and treatment.

   b. The Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board or in another manner as directed by the Board. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with any drug therapy ordered by Respondent's physician, all costs of which shall be paid by the Respondent.

c. The Respondent shall continue treatment with Dr. James L. Fleming, M.D.,of Fairfield, Iowa unless or until the Board requests him to undergo treatment with an alternative mental health provider approved by the Board. Such treatment shall include treatment for substance abuse, and any other mental health condition deemed necessary and appropriate by the treatment provider. The Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.

d. The Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Combined Statement of Charges and Informal Settlement. The reports shall be filed not later than March 5, June 5, September 5, and December 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.

e. The Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 6(e) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.

f. The Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.

g. The Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

h. The Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

i. The Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.

j. The Respondent shall not serve as the pharmacist in charge of a pharmacy.

k. The Respondent may participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.

l. During probation, the Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

m. The Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Combined Statement of Charges and Informal Settlement by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer and the pharmacist-in-charge that 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.

n. The Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for two years from the date of the Board's approval of this Combined Statement of Charges and Informal Settlement.

7. Should Respondent violate or fail to comply with any of the terms or conditions of this Combined Statement of Charges and Informal Settlement, 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 and 657 IAC 36.1.

8. This Combined Statement of Charges and Informal Settlement is the resolution of a contested case. By entering into this Combined Statement of Charges and Informal Settlement, Respondent waives all rights to a contested case hearing on

the allegations contained in the Statement of Charges, and waives any objections to this Combined Statement of Charges and Informal Settlement.

9. 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 party. If the Board approves this Combined Statement of Charges and Informal Settlement, it shall be the full and final resolution of this matter.

10. This Statement of Charges and Informal Settlement Agreement are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22 and shall become a part of the permanent record of Respondent.

11. The Board's approval of this Combined Statement of Charges and Informal Settlement shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

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12. This Combined Statement of Charges and Informal Settlement is voluntarily submitted by Respondent to the Board for its consideration on the 15th day of January, 2002.

Robert M. Walsh, R.Ph.
Respondent

Subscribed and sworn to before me by Robert M. Walsh on this 18th day of January, 2002.

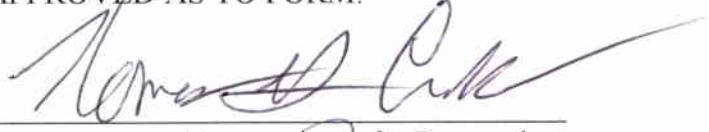
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

NOTARIAL SEAL IOWA
TANTHA D. DRUHL
225513
My Commission Expires
November 12, 2002

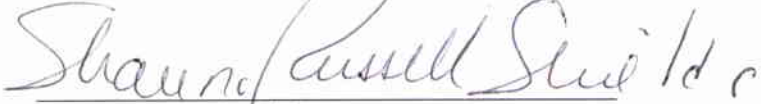
13. This Combined Statement of Charges and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 24 day of January, 2002.

MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

APPROVED AS TO FORM:



Thomas G. Crabb – Attorney for Respondent



Shauna Russell Shields – Attorney for State

cc: Thomas G. Crabb
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ATTORNEY FOR RESPONDENT

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ATTORNEY FOR STATE

BEFORE THE BOARD OF PHARMACY EXAMINERS
STATE OF IOWA

IN THE MATTER OF THE DISCIPLINARY ACTION
AGAINST
ROBERT M. WALSH, RESPONDENT

IOWA PHARMACIST LICENSE # 14608

ORDER TERMINATING PROBATION

NOW ON July 29, 2003, BE IT REMEMBERED:

1. That on January 24, 2002, the Board issued a Combined Statement of Charges and Informal Settlement to Respondent, charging him with unlawful possession of prescription drugs and the inability to practice pharmacy with reasonable skill and safety by reason of impairment.

2. That on January 24, 2002, Respondent's license was placed on probation with conditions until January 24, 2004.

3. That on July 29, 2003, Respondent appeared before the Board to request termination of his probation.

4. That on July 29, 2003, the Board considered the Respondent's request and voted to authorize the termination of the probation placed upon his license to practice pharmacy:

IT IS HEREBY ORDERED:

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

Katherine A Linder

Katherine A. Linder
Board Chairperson
IOWA BOARD OF PHARMACY EXAMINERS
RiverPoint Business Park
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688

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