

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

Re:)
Pharmacist License of)
BERNARD L. WOLF) **STATEMENT OF CHARGES**
License No. 16880)
Respondent)

COMES NOW, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On June 16, 1987, Bernard L. Wolf, the Respondent, was issued license number 16880 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16880 is current and active until June 30, 1996.
5. Respondent's current mailing address is 4814 Harney, Omaha, Nebraska 68132.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(8), and 155A.12(10) (1995) and 657 Iowa Administrative Code §§ 9.1(4)(j) and 9.1(4)(u) with having disciplinary action taken by the Nebraska Department of Health, Board of Examiners in Pharmacy, against his Nebraska pharmacist license number 7867 on February 13, 1995.

COUNT II

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(8), and 155A.12(10) (1995) and 657 Iowa Administrative Code §§ 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) with failing to report to the Board that disciplinary action had been taken by the Nebraska Department of Health, Board of Examiners in Pharmacy, against his Nebraska pharmacist license number 7867 on February 13, 1995.

COUNT III

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(5), 155A.23(1)(a), 124.308(1), 124.402(1)(a), and 124.403(1)(c) (1995) with obtaining or attempting to obtain controlled substances by misrepresentation, fraud, forgery, deception, or subterfuge and without a valid prescription of an authorized practitioner.

COUNT IV

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of his unauthorized use of controlled substances or narcotic drugs, in violation of Iowa Code §§ 155A.12(1) and 155A.12(5) and 657 Iowa Administrative Code §§ 9.1(4)(c), 9.1(4)(d)(2), 9.1(4)(h), 9.1(4)(m), and 9.1(4)(u).

THE CIRCUMSTANCES

1. On February 13, 1995, Respondent was disciplined by the Nebraska Department of Health, Board of Examiners in Pharmacy.

2. The Iowa Board of Pharmacy Examiners received notice of the disciplinary action taken by the Nebraska Department of Health, Board of Examiners in Pharmacy, against Respondent's Nebraska pharmacist license number 7867 from a newspaper article which appeared in the *Omaha World Herald*.

3. The Board has received certified copies of the Petition for Disciplinary Action, the Notice of Hearing, the Voluntary Appearance, the Agreed Settlement, and the Order on Agreed Settlement, all titled State of Nebraska v. Bernard L. Wolf, R.P., No. BEB16-40911, from the Nebraska Department of Health, Board of Examiners in Pharmacy.

4. The Order on Agreed Settlement titled State of Nebraska v. Bernard L. Wolf, R.P., No. BEB16-40911, issued by the Nebraska Department of Health, Board of Examiners in Pharmacy, dated February 13, 1995, provides, in part, the following:

As per the provisions of the Agreed Settlement the defendant's license to practice as a registered pharmacist in the state of Nebraska is revoked.

5. The Agreed Settlement titled State of Nebraska v. Bernard L. Wolf, R.P., No. BEB16-40911, received from the Nebraska Department of Health, Board of Examiners in Pharmacy, dated December 9, 1994, provides, in part, the following:

The Defendant...acknowledges that he has an active dependency on or addiction to the use of controlled substances and alcohol.

6. Certified copies of the Petition for Disciplinary Action, the Notice of Hearing, the Voluntary Appearance, the Agreed Settlement, and the Order on Agreed Settlement, all titled State of Nebraska v. Bernard L. Wolf, R.P., No. BEB16-40911, which were received from the Nebraska Department of Health, Board of Examiners in Pharmacy, are attached hereto as Exhibit 1 and are incorporated by reference into this Statement of Charges as if fully set forth herein.

7. Respondent failed to report to the Iowa Board of Pharmacy Examiners that disciplinary action had been taken by the Nebraska Department of Health, Board of Examiners in Pharmacy, against his Nebraska pharmacist license number 7867 on February 13, 1995, as required by 657 Iowa Administrative Code § 9.1(4)(k).

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.



Lindy A. Pearson
Chief Investigator

On this 11th day of October, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Marian L. Roberts, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:)	
Pharmacist License of)	ORDER
BERNARD L. WOLF)	ACCEPTING
License No. 16880)	SURRENDER OF LICENSE
Respondent)	TO PRACTICE PHARMACY

COMES NOW, Marian L. Roberts, Chairperson of the Iowa Board of Pharmacy Examiners, on the 19th day of March, 1996, and declares that:

1. On October 11, 1995, the Board issued a Statement of Charges and Notice of Hearing to the Respondent.

2. On February 23, 1996, Respondent executed a voluntary surrender of his pharmacist license number 13945 pursuant to 657 Iowa Administrative Code § 9.25. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On March 19, 1996, the Board reviewed Respondent's voluntary surrender of his license to practice pharmacy and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 16880 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 9.25, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Marian L. Roberts, Chairperson

V O L U N T A R Y S U R R E N D E R O F
L I C E N S E T O P R A C T I C E P H A R M A C Y

I, Bernard L. Wolf, of 4814 Harney, Omaha, Nebraska, of my own free will and without any mental reservation and not as a result of any inducement, promise, or threat on the part of anyone, do hereby voluntarily surrender my license to practice pharmacy in the State of Iowa, number 16880, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Bernard L. Wolf, being affixed to this voluntary surrender document.

I, Bernard L. Wolf, of my own free will and without any mental reservation and not as the result of any inducement, promise, or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1995.
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, Bernard L. Wolf, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a license to practice pharmacy which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 9.23, which provides as follows:

Any person whose license to practice pharmacy...has been revoked...must meet the following eligibility requirements:

1. Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

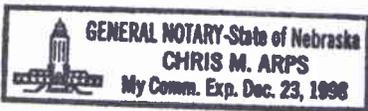
2. A person whose license to practice pharmacy was revoked must successfully pass NABPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.
3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license. Such application shall be docketed in the original case in which the license was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657-9.24(17A,147,155A,204B,258A).
4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.
5. An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657-Chapter 14.

I, Bernard L. Wolf, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

February 23, 1996
Date of Signature

Bernard L. Wolf
Bernard L. Wolf

Subscribed and Sworn to before me on this 23rd day of February, 1996.



Chris M. Arps
NOTARY PUBLIC IN AND FOR THE
STATE OF Nebraska