

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-197
Pharmacist License of)	
DAVID SCHLUETER)	COMBINED STATEMENT OF
License No. 16411)	CHARGES, SETTLEMENT
Respondent.)	AGREEMENT, AND FINAL ORDER

COME NOW the Iowa Board of Pharmacy ("Board") and David Schlueter ("Respondent"), 3645 Crescent Ridge, Dubuque, IA 52003, 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, stating the following:

A. STATEMENT OF CHARGES

**COUNT I
FORGING PRESCRIPTIONS**

Respondent is charged with forging a prescription, pursuant to Iowa Code sections 155A.12(1), (3), 147.55(3), and (9), and 657 IAC 36.1(4)"c" and "an".

B. FACTUAL CIRCUMSTANCES

1. In October of 2000, Respondent's pharmacist license was disciplined by the Board for falsifying medical records and creating false patient profiles.
2. From January 2013 to July 2015, Respondent admits to forging and dispensing approximately 14 prescriptions for controlled substances for a family member.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. 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.
5. 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.
6. Respondent acknowledges that he has the right to be represented by counsel on this matter.

7. 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.

8. 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.

9. 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.

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

11. 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.

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 Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Respondent's license to practice pharmacy is **INDEFINITELY SUSPENDED** until all of the following conditions are satisfied. Once the conditions are satisfied, Respondent's license shall be reinstated automatically:

- a. Respondent shall undergo a comprehensive physical and mental evaluation from a Board-approved evaluator to gauge whether there is any condition underlying Respondent's repeated dishonest behavior. Respondent shall comply with any treatment recommended by the evaluator. Respondent's license shall not be reinstated until the evaluator submits written verification to the Board that Respondent is safe to practice pharmacy.
- b. Respondent shall complete 2.0 CEU/20 contact hours of continuing education in the area of pharmacy ethics. These CEUs are in addition to the CEUs required for license renewal and cannot be counted towards the CEUs required for license renewal under 657 IAC 2.12. Respondent shall submit certificates to the Board as proof of completion of this requirement. The certifications can be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309. Respondent is responsible for all costs associated with obtaining the required continuing education.

- c. Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

15. Respondent shall immediately provide a copy of the Notice of Hearing and Statement of Charges and this Order to his current employer. Prior to accepting any new positions as a pharmacist (no later than at the time of an employment interview), Respondent must provide a copy of the Notice of Hearing and Statement of Charges and this Order to the potential pharmacy employer.

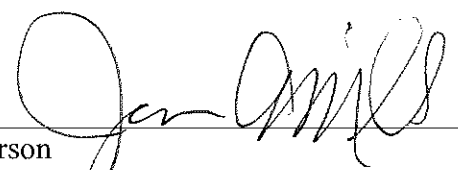
16. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11th day of February, 2016.



DAVID SCHLUETER
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319