

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacist License of

RIC FOREMAN,
License No. 15324
Respondent.

CASE NO. 2017-143

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Ric Foreman ("Respondent"), 1883 Audubon Dr, Waterloo Iowa 50701, 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), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2017), and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

1. Respondent is charged with violating the duties of pharmacist in charge and pharmacy owner in violation of 657 IAC 8.3, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.6(21).

B. FACTUAL CIRCUMSTANCES

2. Respondent's Iowa pharmacist license number 15324 is currently active through June 30, 2018.

3. Respondent is the owner and pharmacist in charge at Evansdale Pharmacy in Evansdale Iowa.

4. As owner and pharmacist in charge, Respondent is responsible for the violations of Iowa pharmacy laws and regulations identified in the Statement of Charges filed against Evansdale Pharmacy in case number 2017-143, which are incorporated by reference.

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:

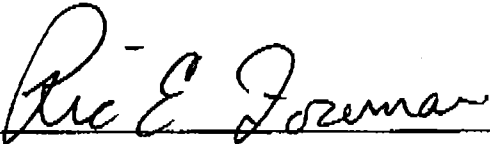
16. Respondent's license shall be placed on **PROBATION** for a period of three (3) years, subject to the following terms:

- a. Within sixty (60) days, Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand five hundred dollars (\$2500). 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: Amanda Woltz, 400 SW Eighth Street, Suite E, Des Moines IA 50309.
- b. Within sixty (60) days, Respondent shall remove himself as pharmacist in charge of Evansdale Pharmacy. Thereafter, Respondent shall not serve as a pharmacist in charge for any pharmacy.

- c. So long as Respondent remains an owner of Evansdale Pharmacy, Respondent is responsible for ensuring Evansdale Pharmacy complies with the terms of its probation. Respondent's failure to ensure Evansdale Pharmacy complies with the terms of its probation while Respondent is pharmacist in charge or owner shall be considered a violation of this Order.


17. 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 chapter 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 _____, 20__.



RIC FOREMAN
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 16 day of January, 2018.



Chairperson
Iowa Board of Pharmacy