

**BEFORE THE IOWA BOARD OF PHARMACY**

<p>RE: Pharmacist License of</p> <p><b>JOSEF BLUNIER</b> License No. 21322 Respondent</p>	<p>CASE NOS. 2023-0123 and 2023-0128</p> <p><b>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</b></p>
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**COME NOW** the Iowa Board of Pharmacy (“Board”) and Josef Blunier (“Respondent”), 455 S. Gordon Street, Nauvoo, Illinois, 62354, 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 Iowa Administrative Code (IAC) 35.5. The Board has the authority to take disciplinary action pursuant to Iowa Code sections 155A.15(2) and 272C.3, and 657 IAC 8.3(3) and 36.

**A. FINDINGS OF FACT**

1. Respondent is a licensed pharmacist in the state of Iowa.
2. From the date of August 1, 2012, through August 15, 2023, the Respondent was employed as a Pharmacist in Charge (“PIC”) at Southeast Iowa Regional Medical Center Pharmacy in Fort Madison, Iowa (“Southeast”).
3. Respondent was also employed as a part-time pharmacist at Hy-Vee Pharmacy in Burlington, Iowa (“Hy-Vee”), at all times material hereto.
4. On or about the date of July 28, 2023, Hy-Vee identified a discrepancy during a back count of a “return to stock” prescription for a Schedule II opioid medication – Oxycodone 5 mg.
5. Subsequent investigation revealed the Respondent diverted significant quantities of Schedule II controlled substance prescription drugs from Hy-Vee through various means.

6. Respondent admitted to diversion of Schedule II controlled substances from Hy-Vee.

7. Subsequent investigation further revealed the Respondent had also diverted significant quantities of Schedule II controlled substance prescription drugs from Southeast.

8. Respondent admitted to diversion from Southeast through various means.

## **B. STATEMENT OF CHARGES**

### **COUNTS I - II**

9. The Board incorporates paragraphs 1 through 8 by reference.

10. Respondent is charged under 657 IAC 36.6(35) with obtaining or possessing prescription drugs without lawful authority.

### **COUNTS III – IV**

11. The Board incorporates paragraphs 1 through 8 by reference.

12. Respondent is charged under 657 IAC 36.6(36) with diverting prescription drugs from a pharmacy for personal use or distribution.

### **COUNTS V - VI**

13. The Board incorporates paragraphs 1 through 8 by reference.

14. Respondent is charged under 657 IAC 36.6(3) with knowingly engaging in unethical conduct detrimental to the public.

### **COUNTS VII - VIII**

15. The Board incorporates paragraphs 1 through 8 by reference.

16. Respondent is charged under 657 IAC 36.6(4) with habitual intoxication which impaired the Respondent's ability to practice pharmacy with reasonable skill or safety.

### **C. SETTLEMENT AGREEMENT AND FINAL ORDER**

17. The Board has jurisdiction over Respondent and the subject matter of this proceeding.

18. Respondent acknowledges the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

19. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing before the Board on the charges, but Respondent waives the right to a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

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

21. 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.

22. This Order is disciplinary action and shall be reported as discipline.

23. 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.

24. 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.

25. 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.

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

**IT IS THEREFORE ORDERED:**

A) Respondent shall **VOLUNTARILY SURRENDER** his pharmacist's license until such time that he is no longer an immediate threat to the public. The Respondent will need to apply to the Board for reinstatement of his pharmacist's license. At that time, the Respondent will bear the burden of proving the reinstatement of his license is not a threat to the public interest;

B) Upon reinstatement, the Respondent's pharmacist license shall be placed on **probation for a period of two (2) years;**

C) During this two (2) year period, the Respondent shall have a Board-approved practice monitor who will provide monthly reports to the Board regarding the Respondent's progress over the course of the probationary period;

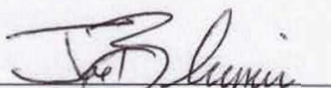
D) Respondent shall be subject to random drug testing over the course of the probationary period;

E) Respondent shall **pay a civil penalty** in the amount of **\$500.00;**

F) Respondent shall provide a copy of this Order to all prospective employers; and

G) Should the Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code Chapters 124, 155A, 272C, 657 IAC chapter 36.

By the signature below, signatory acknowledges they are authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

  
Josef Blunier

10/8/23  
Date

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on October 13, 2023.

*Kathryn Stone*

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CHAIRPERSON  
Iowa Board of Pharmacy