

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

<p>IN THE MATTER OF</p> <p>ERIC ARTHUR SMITH Farm & Family Veterinary Clinics</p> <p>RESPONDENT</p>	<p>CASE NO.: 2024-0081, 2024-0082, 2024-0083</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</p>
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COME NOW the Iowa Board of Pharmacy (“Board”) and Eric Arthur Smith (“Respondent”), and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 657 Iowa Administrative Code (“IAC”) 35.24.

A. BACKGROUND

1. **Iowa License.** Respondent maintains Individual Controlled Substances Act (“CSA”) registrations (collectively, the “Iowa License”) as follows:
 - a. #1512557 for the Farm & Family Veterinary Clinic located in Victor, IA 52347;
 - b. #1512707 for the Farm & Family Veterinary Clinic located in Brooklyn, IA 52221;
and
 - c. #1512708 for the Farm & Family Veterinary Clinic located in Montezuma, IA 50171.
2. **Practice Setting.** Respondent is an Iowa licensed veterinarian who practiced in the areas of Brooklyn, Montezuma, and Victor, Iowa, during the time period relevant to these allegations.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code section 155A.
4. **Allegations.** Respondent provided controlled substances to a kennel facility without

documentation, adequate records to detail, or receipt, Respondent improperly dispensed controlled substances to kennel locations without CSA registrations instead of specific animal patients,

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 657 IAC 36.6(8) with the distribution of drugs for other than lawful purposes which includes, but is not limited to, the disposition of drugs, in violation of Iowa Code §§ 124, 126, and 155A.

COUNT II

6. Respondent is charged under 657 IAC 10.24 with failure to include the requirements necessary for a controlled substance prescription under Iowa law.

COUNT III

7. Respondent is charged under 657 IAC 10.25 with failure to maintain dispensing records as required for controlled substances under Iowa law.

COUNT IV

8. Respondent is charged under 657 IAC 10.14 for failing to maintain ultimate accountability of controlled substances and records maintained at a registered location.

C. SETTLEMENT AGREEMENT

9. Respondent acknowledges that 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.

10. To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent shall be placed on a period of probation for two (2) years subject to the

following terms and conditions:

- i. Respondent shall obtain a board approved independent third-party consultant to assist and educate on controlled substance accountability throughout the probationary period,
- ii. During the period of probation, undergo quarterly audits and reconciliation of all controlled substances, including random audits and inspection by a Board Compliance Officer,
- iii. Respondent shall enroll in a continuing education course on controlled substance accountability, and
- iv. Payment of a civil penalty in the amount of one thousand dollars (\$1,000).
- v. Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Board and the Statutes and Board rules regulating the practice of Pharmacy.

11. In entering this Order, Respondent acknowledges the following:

- a. This Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
- b. Counsel for the State will present this Order to the Board *ex parte*.
- c. I have the right to be represented by counsel in this matter.
- d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.

- e. I waive my ability to review the investigative file in this case.
- f. I understand this Order will be part of my permanent licensure file and may 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.
- g. I am voluntarily entering into this Order.
- h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
- i. I understand the Board will report this Order to the National Association of Pharmacy Boards. The report to the database will reflect the language included in this Order.
- j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

12. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of this Order.

13. This Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

14. This Order shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

15. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Sections 17A, 22, and 272C.

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

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. **EMERGENCY ADJUDICATIVE ORDER:** The Emergency Adjudicative Order issued on October 1, 2024, is stayed and Respondent's Iowa License is reinstated immediately, subject to compliance with the conditions set forth below. The Emergency Adjudicative Order will be rescinded upon successful completion of the terms of the probation. Failure to comply with the probationary conditions will result in the Emergency Adjudicative Order being reinstated and a hearing being scheduled on the charges included in the Emergency Adjudicative Order;

B. **PROBATION:** Respondent's Iowa License is hereby placed on probation for a period of two (2) years;

C. **THIRD PARTY CONSULTANT:** Respondent shall obtain an independent third -party consultant to assist an educate on controlled substance accountability during the probationary period;

D. **AUDITS:** During the period of probation, Respondent agrees to undergo quarterly audits and reconciliation of all controlled substance, including random audits and inspection by a Board Compliance Officer;

E. **CONTINUING EDUCATION:** Respondent shall enroll in a continuing education course on controlled substance accountability; and

F. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of \$1,000. Respondent's check shall be made payable to the "Treasurer of Iowa" and shall be remitted to the Iowa Board of Pharmacy, 6200 Park Avenue, Ste. 100, Des Moines, Iowa, 50321.

G. **FUTURE COMPLIANCE:** The Respondent also shall at all future times fully and promptly comply with all pertinent Orders of the Boards and the Statutes and Board rules regulating the practice of Pharmacy.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by ERIC ARTHUR SMITH on this 24th day of December, 2024.



By: ERIC ARTHUR SMITH, Respondent

FOR THE IOWA BOARD OF PHARMACY:

Voluntarily agreed to and accepted by the **IOWA BOARD OF PHARMACY** on this 7th day of January, 2025.



Kathy Stone, Chair
Iowa Board of Pharmacy