

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

IN THE MATTER OF Todd Thompson 3936 West Overlook Iowa City, IA 52240 RESPONDENT	CASE NO.: 2024-0171 NOTICE OF HEARING AND STATEMENT OF CHARGES
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COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Todd Thompson (“Respondent”), pursuant to Iowa Code §§ 17A.12(2) and 272C.3(1)(e), and 657 Iowa Administrative Code (“IAC”) 35.6 and 35.7.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on May 7, 2025, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Board of Pharmacy, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321.
2. **Prehearing Conference.** A prehearing conference to schedule pre-hearing deadlines shall be held by telephone on March 27, 2025 at 9:00 a.m. before Administrative Law Judge O’Neill from the Iowa Department of Inspections, Appeals and Licensing (ALJ) at the following conference line, 877-803-9056. Board rules on prehearing conferences may be found at 657 IAC 35.22.
3. **Answer.** Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you may file an Answer. In that Answer, you should also state whether you will request a continuance of the date and time of the hearing.
4. **Filing of Pleadings.** Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321, by email to amanda.woltz@dia.iowa.gov, or electronically using the Administrative Electronic Document

Management System (adminhearings.iowa.gov/efile/).

5. **Presiding Officer.** The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections, Appeals and Licensing, the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at hearing.

6. **Prehearing Conference.** Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with 657 IAC 35.22.

7. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at 657 IAC 35.25. At the hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 657 IAC 35.23. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

8. **Prosecution.** The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Lindsey L. Browning and Regan Hodina, Assistant Attorneys General, Iowa Department of Justice, Office of the Iowa Attorney General, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50309.

9. **Communications.** You may not contact Board members in any manner, including by phone, letter, facsimile, in person or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board and served

upon all parties in the case. You may contact Amanda Woltz, Executive Officer, Iowa Board of Pharmacy at 515-281-6674, or Assistant Attorney General Lindsey L. Browning, 515-281-3441, and lindsey.browning@ag.iowa.gov and Assistant Attorney General Regan Hodina, 515-281-6781, and regan.hodina@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

10. **Iowa License.** Respondent maintains Iowa pharmacist license 19039. Respondent's license is active and will next expire on June 30, 2026.
11. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 155A.
12. **Legal Authority.** If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code § 155A and 657 IAC 36.1.
13. **Default.** The Board may enter a default decision or proceed with the hearing and render a decision in y*our absence, in accordance with Iowa Code § 17A.12(3) and 657 IAC 35.27.

C. STATEMENT OF CHARGES

COUNT I

14. Respondent is charged under 657 IAC 36.6(3) for knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

COUNT II

15. Respondent is charged under 657 IAC 36.6(10) for violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or nonprescription drugs.

COUNT III

16. Respondent is charged under 657 IAC 36.6(19) for willful or gross negligence.

COUNT IV

17. Respondent is charged under 657 IAC 36.6(20) for obtaining any fee by fraud or misrepresentation.

COUNT V

18. Respondent is charged under 657 IAC 36.6(28) for failing to create and maintain complete and accurate records as required by state or federal law or regulation or rule of the board.

COUNT VI

19. Respondent is charged under 657 IAC 36.6(35) for obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority.

D. STATEMENT OF THE MATTERS ASSERTED

20. **Practice Setting.** Respondent is an Iowa pharmacist and owner of SmartScripts pharmacy located in Washington, Iowa.
21. **Allegations.** A short and plain Statement of the Matters Asserted (Statement) was reviewed and approved by the Board at the time this Notice of Hearing and Statement of Charges was filed. The Statement shall be furnished to Respondent as an attachment to this Notice of Hearing and Statement of Charges. However, the Statement is not a public record pursuant to Iowa Code § 272C.6(4)(a).

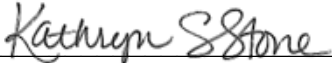
E. SETTLEMENT

22. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. If you are interested in pursuing

settlement of this matter, please contact the Assistant Attorney General identified above.

F. PROBABLE CAUSE FINDING

23. On January 7, 2025, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.


Kathy Stone
Chairperson
Iowa Board of Pharmacy

Copy to:
Lindsey L. Browning
Regan Hodina
Assistant Attorneys General
Iowa Department of Justice
Office of the Iowa Attorney General
1305 E. Walnut Street, 2nd Floor
Des Moines, Iowa 50309
Lindsey.browning@ag.iowa.gov
Regan.hodina@ag.iowa.gov

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).