

**BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA**

<p><b>IN THE MATTER OF</b></p> <p>THOMAS KELLY License #: 21359</p> <p><b>RESPONDENT.</b></p>	<p><b>Case No. 2024-0232</b></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 Thomas Kelly (“Respondent”) and enter into this Combined Statement of Charges, 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 holds Iowa pharmacist license number 21359. Respondent’s pharmacist license is currently restricted due to Board action and will next expire on June 30, 2026.
2. **Practice Setting.** Respondent is an Iowa-registered pharmacist practicing in Belle Plaine, Iowa, during the time-period relevant to these allegations.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 155A.
4. **Stipulated Facts.** On or about the date of November 7, 2024, the Board received notice that Respondent was terminated from his employment as a pharmacist at Hartig Drug for diverting oxycodone. Respondent self-reported to the Board on November 8, 2024 that he diverted approximately 350 opioids from stock bottles for personal use between March 2024 and September 2024. Respondent replaced the oxycodone tablets with aspirin.

**B. STATEMENT OF CHARGES**

**COUNT I**

5. Respondent is charged under 657 Iowa Administrative Code 36.6(36) for diverting prescription drugs from a pharmacy for personal use or for distribution.

**C. SETTLEMENT AGREEMENT**

6. Respondent acknowledges the Stipulated Facts in the Background section, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the terms and conditions set forth below in section D.

8. In accepting this Settlement Agreement, Respondent acknowledges the following:

- a. This Combined Statement of Charges, Settlement Agreement, and Final 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 Combined Statement of Charges, Settlement Agreement, and Final 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 Combined Statement of Charges, Settlement Agreement, and Final 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 Combined Statement of Charges, Settlement Agreement, and Final Order.
- h. Failure to comply with the provisions of this Combined Statement of Charges, Settlement Agreement, and Final Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
- i. Respondent understands and acknowledges the Board will report this Order to the National Association of Boards of Pharmacy (NABP) Clearinghouse. The report to the Clearinghouse will reflect the language included in this Order.

9. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

10. This Combined Statement of Charges, Settlement Agreement, and Final 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.

11. This Combined Statement of Charges, Settlement Agreement, and Final Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

12. The Board's approval of this Order shall constitute a **Final Order** of the Board.

**D. FINAL ORDER**

**IT IS THEREFORE ORDERED:**

Pursuant to this Settlement Agreement,

- A. **SUSPENSION:** Respondent's Iowa pharmacist license is hereby **SUSPENDED** until he is deemed safe to resume practicing pharmacy by the Iowa Professional Health Program – Pharmacy.


**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Thomas Kelly on this 5<sup>th</sup> day of March, 2025.

  
By: Thomas Kelly, Respondent

**FOR THE IOWA BOARD OF PHARMACY:**

Voluntarily agreed to and accepted by the IOWA BOARD OF PHARMACY on this 7<sup>th</sup> day of May, 2025.

  
Chairperson  
Iowa Board of Pharmacy