

Before the Iowa Department of Public Health

<p>IN THE MATTER OF</p> <p>Eric Boel 1000 N Park Circle Grimes, IA 50111-1120</p> <p>Certification: PS-17-014-02</p>	<p>Case: 07-02-11</p> <p>NOTICE OF PROPOSED ACTION</p> <p>PROBATION</p>
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Pursuant to the provisions of Iowa Code Sections 17A.18 and 147A.7, and Iowa Administrative Code (I.A.C.) 641--131.7, the Iowa Department of Public Health is proposing to place you on **probation** until October 25, 2012.

The department may place a provider on probation when it finds that the certificate holder has committed any of the following acts or offenses:

Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. Acts which may constitute unethical conduct include, but are not limited to:

(2) Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a patient or coworker.

Iowa Code Section 147A.7(1)f and IAC 641—131.7(2)f

Having certification to practice emergency medical care suspended or revoked, or having other disciplinary action taken by a licensing or certifying authority of another state, territory or country.

Iowa Code Section 147A.7(1)k and IAC 641—131.7(2)u

The following had led to this notice:

On October 25, 2007 the Iowa Board of Pharmacy issues a Findings of Fact, Conclusions of Law, Decision and Order concerning your Pharmacist License #19434. The Decision and Order Suspended your license for a period of six months. It was further ordered that the suspension was immediately stayed and your license was placed on probation for a period of five years.

The conclusions of law stated that the evidence established the following allegations:


- 1) Professional Incompetency
Iowa Code Section 155A.12(1) and IAC 657—36.1(4)b(4)
- 2) Unethical Conduct
Iowa Code Section 155A.12(1) and IAC 657—8.11(1), 8.11(8), 6.7(3) and 36.1(4)c
- 3) Improper Delegation of Pharmacist Functions
Iowa Code Section 155A.12(1) and IAC 657—6.7(3)
- 4) Dispensing without a Prescription
Iowa Code Section 155A.12(1) and IAC 657—36.1(4)h
- 5) Inadequate Record Keeping
Iowa Code Section 155A.12(1), 155A.27(4) and IAC 657—6.2 and 36.1(4)ac
- 6) Willfully Making False Statement
Iowa Code Section 155A.12(1), 155A.23(2) and IAC 657—36.1(4)j

Your probation shall be subject to the following terms and conditions:

- a. You shall meet all terms of your probation with the Iowa Board of Pharmacy.
- b. You shall make a personal appearance before the bureau upon request. You shall be given reasonable notice of the date, time, and place of appearance.
- c. You shall obey all federal, state, and local statutes and rules governing the provisions of emergency medical services.
- d. You shall notify any current or prospective employer, to include direct supervisors, service directors and medical directors, of the terms, conditions and restrictions imposed by this notice. Within fifteen days of this notice taking effect, or of undertaking new employment, your direct supervisor, service director and medical director shall report to the bureau, in writing, acknowledging that the employer and medical director have read this document and understands it.
- e. You shall notify any EMS training program you enroll in for courses leading to certification of the reasons for this probation.
- f. You shall submit quarterly reports to the bureau (filed no later than January 10, April 10, July 10, and October 10) which shall include the following information:
 - i. The time period covered by the report
 - ii. Verification that you have complied with the terms of probation as specified in this Notice.
- g. You shall notify the bureau of any change in address within one week of said change.
- h. In the event you violate or fail to comply with any of the terms or provisions of your probation, the department may initiate appropriate action to revoke or suspend your certification or to impose other appropriate discipline.
- i. This Notice shall be part of the permanent record of the bureau and shall be considered by the bureau in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

You have the right to request a hearing concerning this notice of disciplinary action. A request for a hearing must be submitted in writing to the Department by certified mail, return receipt requested, within twenty (20) days of receipt of this Notice of Proposed Action. The written request must be submitted to the Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, 321 E 12th St, Des Moines, Iowa 50319. If the request is made within the twenty (20) day time limit, the proposed action is suspended pending the outcome of the hearing. Prior to, or at the hearing, the Department may rescind the notice upon satisfaction that the reason for the action has been or will be removed.

If no request for a hearing is received within the twenty (20) day time period, the disciplinary action proposed herein shall become effective and shall be final agency action.



Kirk E. Schmitt, Bureau Chief
Emergency Medical Services

11/27/2007
Date