

BEFORE THE IOWA BOARD OF PHARMACY

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| RE: Pharmacy License of WALGREENS 07455 License No. 1210 Respondent | CASE NO. 2019-0210 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER |
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COME NOW the Iowa Board of Pharmacy (“Board”) and Walgreens 07455 (“Respondent”), 111 W Ridgway Ave, Waterloo IA 50701, 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 section 155A.15(2) and 272C.3, and 657 IAC 8.3 and 36.

A. STATEMENT OF CHARGES

COUNT I

1. Respondent is charged under 657 IAC 36.6(41) with dispensing, or contributing to the dispensing of, an incorrect prescription, which includes, but is not limited to, the incorrect drug, the incorrect strength, the incorrect patient or prescriber, or the incorrect or incomplete directions.

COUNT II

2. Respondent is charged under 36.6(21) with violating a board rule, specifically 657 IAC 8.3(3)“a”, which states: “The pharmacist in charge and the pharmacy, by and through its owner or license holder, shall share responsibility for, at a minimum, the following: Ensuring that the pharmacy employs an adequate number of qualified personnel commensurate with the size and scope of services provided by the pharmacy.”

B. FACTUAL CIRCUMSTANCES

3. Respondent’s pharmacy license number 1210 is currently active through December 31, 2022.

4. In April 2019, Respondent sold two prescriptions to the wrong patient due to an alleged failure to ask patient identifying questions at pick-up. The patient allegedly ingested the wrong medication and allegedly experienced adverse effects.

5. The investigation revealed that the pharmacy experiences high staff turnover, resulting in the alleged shortage of qualified employees.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

6. The Board has jurisdiction over the parties and the subject matter of these proceedings.

7. Respondent denies the allegations set forth in the “Statement of Charges” section and in the “Factual Circumstances” section. Respondent acknowledges however, for purposes of settlement, that the allegations set forth in the “Statement of Charges” section and in the “Factual Circumstances” section, if proven in a contested case hearing, may constitute grounds for the discipline agreed to in this Order.

8. 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 into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. Respondent acknowledges that it has the right to be represented by counsel on this matter.

10. Respondent agrees that the State’s counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

11. 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.

12. 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.

13. This Order only resolves the pending complaint number identified above and does not resolve any other pending complaints that may exist.

14. 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.

15. 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.

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

IT IS THEREFORE ORDERED:

17. Respondent is hereby **CITED** for dispensing an incorrect prescription and failing to ensure adequate staffing and **WARNED** that future violations of the laws and rules governing pharmacies can result in further disciplinary action.

18. Respondent shall pay a **CIVIL PENALTY** in the amount of seven hundred fifty dollars (\$750) within thirty (30) days of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.

19. Within thirty (30) days of this Order, Respondent shall establish in writing the staffing needs of the pharmacy and a plan to ensure staffing needs are met. The pharmacist in charge must agree to the staffing needs and the plan to ensure staffing needs are met and shall sign the written document and maintain it in the pharmacy, updating it as needed to address changes in the scope of services provided by the pharmacy.


20. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC 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.

4/28/2022
Date


WALGREENS 07455
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on _____ May 3, 2022 _____.


Chairperson
Iowa Board of Pharmacy