

BEFORE THE IOWA BOARD OF PHARMACY

RE: Pharmacist License of JOSEPH RASHID License No. 17525 Respondent	CASE NO. 2020-0158 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy (“Board”) and Joseph Rashid (“Respondent”), 3438 Hickory Hills Dr, Wever IA 52658, 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 sections 147.55, 155A.12, 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(21) with violating a rule of the Board, specifically 657 IAC 10.26, which requires prescriber authorization prior to dispensing a Schedule II emergency prescription.

B. FACTUAL CIRCUMSTANCES

2. Respondent’s pharmacist license number 17525 is currently active through June 30, 2024.
3. In November 2020, Respondent was the owner and pharmacist in charge at Rashid Pharmacy PLC (the “Pharmacy”) in Fort Madison, Iowa.
4. Respondent is no longer the owner or pharmacist in charge at the Pharmacy.
5. On or about Thursday, November 5, 2020, at 11:26 a.m., the Pharmacy received a faxed matrix order from a nurse at a long-term care facility with whom the Pharmacy had an on-going working relationship.
6. The subject matrix order indicated the patient’s provider had written an order for a schedule II controlled substance.
7. Upon receipt of the matrix order, a staff pharmacist promptly entered the order into the Pharmacy’s internal electronic system and faxed a request for the prescription to the identified provider at approximately 1:00 p.m. on November 5, 2020.

8. By approximately 4:13 p.m., the provider had not responded to the Pharmacy's request for the prescription. Based upon the staff pharmacist's experience working with long-term care facilities, he was concerned whether the provider would send the prescription before the weekend.

9. Based upon the information provided in the matrix order from the patient's medical team at the long-term care facility, the staff pharmacist dispensed a limited 5-day "emergency" supply of the controlled substance to the long-term care resident.

10. Although the staff pharmacist did not obtain prior verbal authorization from the prescriber or a faxed prescription, the staff pharmacist proceeded to prepare a temporary written record of the emergency prescription, notified the provider of the emergency prescription, and requested authorization from the provider for the same.

11. The staff pharmacist followed procedures he believed were compliant with the rules governing schedule II emergency prescriptions.

12. Respondent was not involved personally in the dispensing of the controlled substance.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

13. The Board has jurisdiction over Respondent and the subject matter of this proceeding.

14. 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.

15. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to 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.

16. Respondent acknowledges that he has the right to be represented by counsel on this matter.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

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

IT IS THEREFORE ORDERED:

23. Respondent is hereby **CITED** as the former Pharmacist in Charge for a Rashid Pharmacy PLC staff pharmacist dispensing an emergency supply of a controlled substance without required authorization from a provider and **WARNED** that future violations of the laws and rules governing pharmacists can result in further disciplinary action.

24. Within thirty (30) days, Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand dollars (\$1,000). 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.

25. Within sixty (60) days, Respondent must complete two (2) hours of **CONTINUING EDUCATION** pertaining to pharmacy law. The hours used to fulfill this requirement cannot be used to satisfy the continuing education hours required for the renewal of Respondent's pharmacist license. Respondent shall submit proof of completion to the Board via email to amanda.woltz@iowa.gov.

26. Respondent agrees not to serve as pharmacist in charge at any Iowa licensed pharmacy unless and until he re-takes and passes the Iowa MPJE exam.

27. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

8/9/2022

Date



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JOSEPH RASHID

Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on _____ October 25, 2022 _____.

Kathryn Stone

Chairperson
Iowa Board of Pharmacy