

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License and Controlled Substances Act Registration of</p> <p>WALGREENS PHARMACY 16528 License No. 1596 Registration No. 1108083 Respondent</p>	<p>CASE NO. 2020-0174</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</p>
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COME NOW the Iowa Board of Pharmacy (“Board”) and Walgreens Pharmacy 16528 (“Respondent”), 1704 Ingersoll Ave, Des Moines IA 50309, 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 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, 155A, and 272C, and 657 IAC chapters 10 and 36.

A. STATEMENT OF CHARGES

COUNT I

FAILING TO MAINTAIN EFFECTIVE CONTROLS AGAINST DIVERSION

1. Respondent is charged with failing to establish and maintain effective controls against the theft or diversion of prescription drugs, including controlled substances, in violation of 657 IAC 8.3(5)“b” and 10.13, and may be disciplined pursuant to Iowa Code sections 124.304(1)(d) and 155A.15(2)(i), and 657 IAC 10.44(5) and 36.6(21).

B. FACTUAL CIRCUMSTANCES

2. Respondent’s pharmacy license number 1596 is currently active through December 31, 2021. Respondent’s CSA registration number 1108083 is currently active through August 31, 2021.

3. Respondent reported significant losses of Adderall, a schedule II controlled substance, which were attributed to employee pilferage.

4. Respondent additionally reported losses of six different schedule IV controlled substances.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

6. Respondent denies the allegations in the Statement of Charges, but acknowledges, for purposes of settlement, that the allegations set forth in the Statement of Charges, if proven in a contested case hearing, may constitute grounds for the discipline agreed to in this Order. In mitigation, the employee responsible for diverting the Adderall, engaged in covert and nefarious activities that circumvented Respondent's applicable policies, procedures, and security processes, preventing Respondent from more quickly suspecting and identifying the employee as the individual responsible for the losses of Adderall.

7. 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.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

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

IT IS THEREFORE ORDERED:

15. Respondent's pharmacy license and CSA registration are hereby placed on **PROBATION** for a period of one (1) year, subject to the following terms:

- a. Respondent shall pay a **CIVIL PENALTY** in the amount of three thousand dollars (\$3,000) within thirty (30) days of Board approval 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.

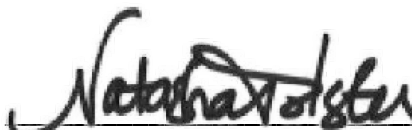
- b. Within thirty (30) days, Respondent shall submit updated policies and procedures reflecting changes implemented at the pharmacy to prevent the diversion of controlled substances in the future.
- c. Respondent shall maintain perpetual inventories for all controlled substances during the probationary period. The perpetual inventory shall comply with the requirements in 657 IAC 10.18, except that reconciliation shall occur on a quarterly basis as set forth below.
- d. Respondent shall reconcile its perpetual inventory for all controlled substances on a quarterly basis and submit documentation to the Board. The quarterly reconciliations are due by December 5th (reporting on September-November), March 5th (reporting on December-February), June 5th (reporting on March-May), and September 5th (reporting on June-August) during the probationary period.
- e. Respondent shall appear before the Board upon request for purposes of evaluating performance of the probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- f. Respondent shall abide by all state and federal laws and regulations governing the practice of pharmacy. Respondent shall operate in accordance with its policies and procedures.
- g. Any documentation required to be submitted to the Board pursuant to this Order should be emailed to Amanda.Woltz@iowa.gov by the specified deadline unless otherwise directed.

16. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 124, 155A, and 272C and 657 IAC chapters 10 and 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.

8/12/2021

Date



WALGREENS PHARMACY 16528

Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on August 31, 2021.

Gayle Mayer by GMD

Chairperson
Iowa Board of Pharmacy