

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License and Controlled Substances Act Registration of</p> <p>BOONE COUNTY HOSPITAL License No. 472 Registration No. 1600250 Respondent</p>	<p>CASE NO. 2021-0060</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</p>
---	--

COME NOW the Iowa Board of Pharmacy (“Board”) and Boone County Hospital (“Respondent”), 1015 Union St, Boone IA 50036, 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 472 is currently active through December 31, 2021. Respondent’s CSA registration number 1600250 is currently active through July 31, 2022.

3. Respondent reported losses of schedule II injectable narcotics, which were attributed to an employee’s pilferage.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

5. 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.

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

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

IT IS THEREFORE ORDERED:

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

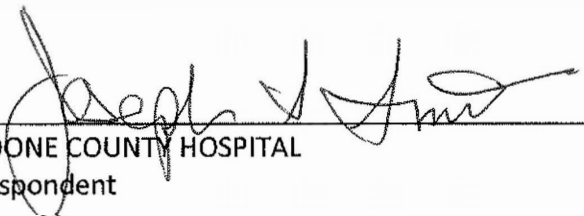
- a. Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand dollars (\$2,000) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.
- b. Respondent shall continue with implementation of the corrective actions identified during the investigation of this complaint, including acquisition of a technology-assisted safe for the pharmacy.

- c. Within sixty (60) days, Respondent shall submit updated policies and procedures reflecting changes implemented to date at the pharmacy to prevent the diversion of controlled substances in the future.
- d. Respondent shall routinely audit any adjustments, including dispensations, made to its controlled substance inventory records and maintain records of such audits.
- 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. Respondent shall submit quarterly reports to the Board for the duration of probation detailing its compliance with this Order, providing records for the routine audits of adjustments to inventory records, and reporting on the implementation of updated policies and procedures. The quarterly reports are due by December 5, 2021 (reporting on September-November), March 5, 2022 (reporting on December-February), June 5, 2022 (reporting on March-May), and September 5, 2022 (reporting on June-August).
- h. 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.

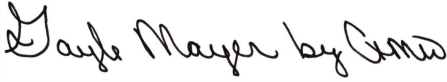
15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 124, 155A, and 272C and 657 IAC chapters 10 and 36.

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.

Date 8/20/21


BOONE COUNTY HOSPITAL
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