

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License of</p> <p>WALGREENS 06678 License No. 249 Respondent</p>	<p>CASE NO. 2022-0061</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 06678 (“Respondent”), 1999 Grand Ave, West Des Moines IA 50265, 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 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(21) with violating a board rule, specifically 657 IAC 8.3(2), which requires the pharmacy to employ a professionally competent, legally qualified pharmacist in charge.

COUNT II

2. Respondent is charged under 657 IAC 36.6(21) with violating a rule of the Board, specifically 657 IAC 8.35(6)“d”, which describes the requirements when there is a change in pharmacist in charge.

COUNT III

3. Respondent is charged under 657 IAC 36.6(21) with violating a board rule, specifically 657 IAC 10.19(4), which requires an inventory of all controlled substances following the close of business the last day under the terminating pharmacist in charge’s employment.

B. FACTUAL CIRCUMSTANCES

4. Respondent’s pharmacy license number 249 is currently active through December 31, 2022.

5. Respondent’s pharmacist in charge vacated the position on or around September 7, 2021.

6. Respondent was without a temporary or permanent pharmacist in charge until on or around October 28, 2021.

7. The Board did not receive an application identifying the new permanent pharmacist in charge until November 9, 2021. The application that was received was incomplete and Respondent did not respond promptly to Board requests for the additional information.

8. Respondent did not complete a controlled substances inventory until on or around November 4, 2021.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

10. Respondent denies the allegations set forth in the Statement of Charges section, and denies the allegations set forth in paragraphs 6 through 8 of the Factual Circumstances section, however, for purposes of settlement, Respondent acknowledges that the allegations in the Statement of Charges section, and the allegations in the Factual Circumstances section, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

11. 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

IT IS THEREFORE ORDERED:

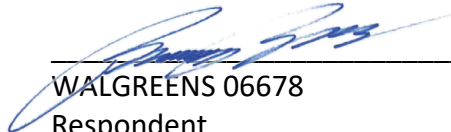
19. Respondent is hereby **CITED** for failing to employ a pharmacist in charge, failing to comply with the requirements governing a change in pharmacist in charge, and failure to timely complete the required controlled substances inventory and **WARNED** that future violations of the laws and rules governing pharmacies may result in further disciplinary action.

20. Within thirty (30) days, Respondent shall pay a **CIVIL PENALTY** in the amount of four thousand five hundred dollars (\$4,500). 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.


21. 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.

7/29/2022
Date


WALGREENS 06678
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on _____ August 24, 2022_____.


Chairperson
Iowa Board of Pharmacy