

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License of</p> <p>WALGREENS 05721 License No. 355 Respondent</p>	<p>CASE NO. 2022-0185</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 05721 (“Respondent”), 3140 SE 14th St, Des Moines IA 50320, 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

COUNTS I-III

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.

B. FACTUAL CIRCUMSTANCES

2. Respondent’s pharmacy license number 355 is currently active through December 31, 2023.

3. Respondent is currently on probation in relation to two complaints pursuant to a Board order dated August 24, 2022.

4. On or around September 21, 2022, Respondent dispensed a prescription for acetaminophen for a pediatric patient that was allegedly incorrectly labeled as ibuprofen.

5. On or around September 21, 2022, Respondent allegedly dispensed a prescription for ibuprofen for the same pediatric patient that was allegedly incorrectly labeled as acetaminophen.

6. On or around September 21, 2022, Respondent allegedly dispensed amoxicillin/clavulanate instead of the prescribed amoxicillin for the same pediatric patient.

7. Respondent has been previously disciplined by the Board on multiple occasions and has received prior administrative warnings for medication errors.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

9. Respondent denies the allegations set forth in the Statement of Charges and denies the allegations set forth in paragraphs 4 through 7 of the Factual Circumstances, Respondent acknowledges, for purposes of settlement, that the allegations 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, Respondent asserts that it aggressively investigated the underlying complaint, cooperated with the Board's investigation, and promptly implemented an aggressive, internal corrective action plan.

10. 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.

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

12. 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.

13. 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.

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

15. 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.

16. 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.

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

IT IS THEREFORE ORDERED:

18. Respondent is hereby **CITED** for dispensing incorrect prescriptions and **WARNED** that future violations of the laws and rules governing pharmacies may result in further disciplinary action.

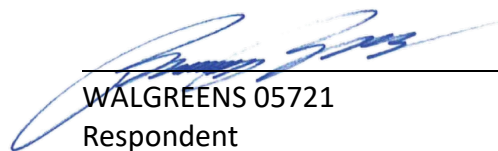
19. Within thirty (30) days, Respondent shall pay a **CIVIL PENALTY** in the amount of five thousand dollars (\$5,000). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.

20. Within sixty (60) days, Respondent must require all permanent pharmacists and technicians on staff on the date of the approval of this Order, who were also employed on the date when the alleged incidents occurred, to complete two (2) hours of continuing education related to patient safety. Respondent shall submit certificates of completion to the Board via email to amanda.woltz@iowa.gov.


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.

3/24/2023
Date


WALGREENS 05721
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on May2, 2023


Chairperson
Iowa Board of Pharmacy