

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License of</p> <p>HY-VEE PHARMACY 1013 License No. 516 Respondent</p>	<p>CASE NO. 2022-0217</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 Hy-Vee Pharmacy 1013 (“Respondent”), 3800 W Lincoln Way, Ames IA 50014, 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(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 516 is currently active through December 31, 2023.

3. On or around October 27, 2022, Respondent dispensed a prescription for topiramate with the incorrect directions, which resulted in the patient taking higher than the prescribed dosage.

4. Respondent was previously disciplined in relation to two complaints pursuant to a Board order dated October 25, 2022.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

6. 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.

7. 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.

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

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

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

16. Within thirty (30) days, Respondent shall pay a **CIVIL PENALTY** in the amount of seven thousand five hundred dollars (\$7,500). 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.

17. 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.

2/15/23
Date

Jessica Joseph, PharmD
HY-WE PHARMACY 1013
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on _____ February 28, 2023.

Kathryn Stone
Chairperson
Iowa Board of Pharmacy