

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)
Pharmacist License of)
JOHN A. AAGESEN) **STATEMENT OF CHARGES**
License No. 14990)
Respondent)

COMES NOW, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On July 1, 1977, John A. Agesen, the Respondent, was issued license number 14990 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14990 is current and active until June 30, 1996.
5. Respondent currently resides at 1301 Glenwood Terrace East, Marshalltown, Iowa 50158.
6. Respondent was employed as the pharmacist in charge of Osco Drug #812 in Marshalltown, Iowa, until September 20, 1995.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.4, 155A.12(1), 155A.12(2), and 155A.12(6) (1995) and 657 Iowa Administrative Code §§ 6.1, 6.6, 8.5(1), 8.5(4), 9.1(4)(b), 9.1(4)(j), 9.1(4)(l), 9.1(4)(u), and 9.1(4)(v) with allowing, aiding, or abetting an unlicensed individual to engage in the practice of pharmacy at Osco Drug #812.

COUNT II

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1995) and 657 Iowa Administrative Code §§ 6.6 and 10.10 with failing to provide adequate and effective security, controls, and procedures to prevent anyone from entering the prescription department at Osco Drug #812 at any time the pharmacist is absent from the department.

COUNT III

The Respondent is charged under Iowa Code §§ 155A.4, 155A.15(1), 155A.12(2), and 155A.12(6) (1995) and 657 Iowa Administrative Code §§ 6.1, 6.6, 8.1, 8.5(1), 8.5(4), 8.18, 8.19, 8.20, 9.1(4)(b), 9.1(4)(j), 9.1(4)(l), 9.1(4)(u), 9.1(4)(v), and 9.1(4)(w) with failing to obtain patient health care information at Osco Drug #812; with failing to provide patient counseling at Osco Drug #812; and with failing to perform prospective drug use review by reviewing and assessing patient records at Osco Drug #812.

THE CIRCUMSTANCES

The Board has received investigative information which alleges the following:

1. Pat Gulbranson, a non-pharmacist employee of the Respondent who was the general manager of Osco Drug #812, practiced pharmacy at Osco Drug #812 without a pharmacist license on more than one occasion between September 9, 1994, and September 3, 1995. Mr. Gulbranson created false pharmacy records. At least one medication dispensing error has occurred as a result of this unlawful activity.

2. Pat Gulbranson entered the prescription department at Osco Drug #812 on more than one occasion between September 9, 1994, and September 3, 1995 at times when the prescription department was closed and no pharmacist was on duty. Respondent has failed to provide adequate and effective security, controls, and procedures to prevent unauthorized persons from entering the prescription department at Osco Drug #812 at any time the pharmacist is absent from the department.

3. Respondent has failed to obtain patient health care information at Osco Drug #812; has failed to ensure that a pharmacist will provide patient counseling at Osco Drug #812; and has failed to ensure that a pharmacist will perform prospective drug use review by reviewing and assessing patient records at

Oscos Drug #812. Respondent has failed to ensure that all patients will receive pharmaceutical care from a licensed pharmacist at Oscos Drug #812.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.



Lindy A. Pearson
Chief Investigator

On this 29th day of September, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Marian L. Roberts, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re: Pharmacist License of
JOHN A. AAGESEN
License No. 14990
Respondent

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**STIPULATION
AND
CONSENT ORDER**

On this 14th day of November, 1995, the Iowa Board of Pharmacy Examiners and John A. Aagesen, R.Ph., 1907 Blossom Lane, Marshalltown, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges and Notice of Hearing filed against Respondent on September 29, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy on the 1st day of July, 1977, as evidenced by License Number 14990, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14990 issued to and currently held by Respondent is current and active until June 30, 1996.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

Amended Page

4. Respondent does not admit to the truth of any of the allegations set forth in the Statement of Charges. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

SECTION I

THEREFORE, IT IS HEREBY ORDERED that Respondent shall pay a civil penalty of \$3,500.00. Seven hundred dollars is due and payable within 30 days of the date of approval of this Stipulation and Consent Order by the Board. The remaining \$2,800.00 shall be due and payable in quarterly installments of \$700 each (payment dates of March 14, 1996; June 14, 1996; September 14, 1996; and December 14, 1996). Respondent shall deliver checks made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The checks shall be deposited into the general fund of the State of Iowa.

SECTION II

Upon approval of this Stipulation and Consent Order by the Board, Respondent's license to practice pharmacy shall be suspended for a period of thirty (30) days. The suspension is stayed, however, and the Respondent's license is placed on probation for a period of three (3) years from the date of approval of this Stipulation and Consent Order. During the probationary period the Respondent ~~shall not serve as the pharmacist in charge of any pharmacy,~~ shall not supervise any registered intern, and shall not perform any of the duties of a preceptor (amended by the Board on November 20, 1996). In addition, during the probationary period the Respondent shall:

Amended Page

1. Inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
2. Report to the Board or its designee ~~quarterly~~ *annually* (amended by the Board on November 20, 1996). Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.
3. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing pharmacy education (CPE) as directed by the Board.
4. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
5. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

SECTION III

1. Respondent shall take and successfully pass the Iowa Drug Law Exam (IDLE) with a score of 75 percent by November 15, 1996. Respondent may take the exam a maximum of three (3) times between November 15, 1995, and November 15, 1996. Failure to pass the IDLE within the one-year period will be grounds to revoke probation and take additional disciplinary action.
2. Should Respondent leave Iowa to reside or practice in another state, he shall notify the Board in writing fourteen (14) days prior to his departure and within

3. Respondent may apply for modification of the provision prohibiting Respondent from serving as a pharmacist in charge after one year of probation has been successfully completed.

4. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

5. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose additional disciplinary sanctions, including the revocation of Respondent's license to practice pharmacy. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

6. Upon successful completion of probation, Respondent's certificate will be fully restored.

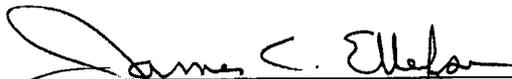
7. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board approves this Stipulation and Consent Order, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party.

8. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 14 day of November, 1995.



JOHN A. AAGESEN, R.Ph.
Respondent

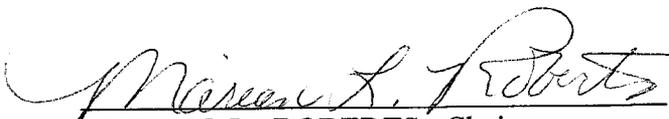
Subscribed and Sworn to before me on this 22nd day of November, 1995.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

	JAMES C. ELLEFSON MY COMMISSION EXPIRES DECEMBER 10, 1995
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9. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 14 day of November, 1995.



MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re: Iowa Pharmacy Licenses of	}	
AMERICAN DRUG STORES	}	STIPULATION
d.b.a. OSCO DRUG	}	AND
Respondent	}	CONSENT ORDER
	}	

On this 14 day of November, 1995, the Iowa Board of Pharmacy Examiners and American Drug Stores, d.b.a. Osco Drug, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges and Notice of Hearing filed against Respondent on October 3, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to operate a general pharmacy in the name of Osco Drug #812 at 10 East Main Street in Marshalltown, Iowa, on the 14th day of December, 1994, as evidenced by General Pharmacy License Number 736, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.

2. That Iowa General Pharmacy License Number 736 issued to and held by Respondent was current until December 31, 1995; however, Osco Drug #812 located at 10 East Main Street in Marshalltown, Iowa, closed on October 17, 1995, and has permanently ceased operation.

3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 3, 1995.

5. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims. It does not constitute any admission of liability or wrongdoing on the part of American Drug Stores, d.b.a. Osco Drug.

SECTION I

THEREFORE, IT IS HEREBY ORDERED AND AGREED that the following disciplinary sanctions shall be imposed by the Board on the Respondent, American Drug Stores, d.b.a. Osco Drug: a public citation and warning for the lack of adequate security at Osco Drug #812 in Marshalltown, Iowa, and a civil penalty of \$7,500.00. The civil penalty is due and payable within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check, made payable to the Treasurer of the State of Iowa, to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

It is also ordered and agreed that Respondent, American Drug Stores, d.b.a. Osco Drug, will take the following remedial and corrective action at all present and future Osco Drugs located in Iowa beginning no later than sixty (60) days following the date of approval of this Stipulation and Consent Order by the Board:

1. Respondent agrees to re-emphasize its "Pharmacy Security Policies" by redistributing copies of the policies to all of its pharmacies located or to be located in Iowa. Respondent will require the store general manager, the operations manager, the assistant manager, all management trainees, all supervisors, the pharmacist in charge, all staff pharmacists, and all pharmacy supportive personnel of each Osco Drug located or to be located in Iowa to sign a form acknowledging that they have read and understood the

policies and that they agree to comply with the policies at all times. A copy of the "Pharmacy Security Policies" is attached to this Stipulation and Consent Order.

2. Respondent agrees to adopt and implement a written policy in all of its pharmacies located or to be located in Iowa which prohibits any store manager from acting or serving as a pharmacy assistant or technician within the store.

3. Respondent agrees to adopt and implement a written policy in all of its pharmacies located or to be located in Iowa which requires the regional pharmacy manager to routinely review a copy of the pharmacy staffing schedule listing the hours worked each week by the pharmacist in charge and all staff pharmacists at each Iowa location. Such staffing information shall include the number of hours that the pharmacy is open each week as well as the hours scheduled each day for each individual pharmacist who works in the prescription department.

SECTION II

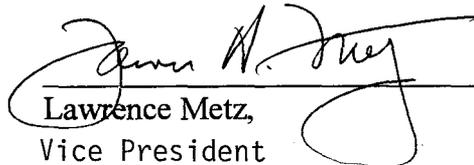
1. Respondent agrees to obey all federal and Iowa laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and Iowa criminal laws.

2. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

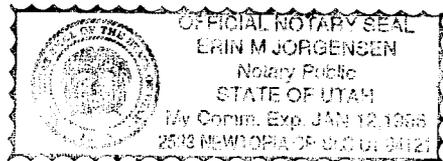
3. Should Respondent violate this agreement in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may take additional disciplinary action.

4. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party.

5. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 14th day of November, 1995.

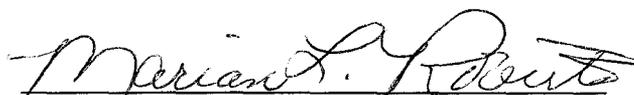

Lawrence Metz,
Vice President
American Drug Stores, Inc.
d.b.a. Osco Drug
Respondent

Subscribed and Sworn to before me on this 14 day of November, 1995.




NOTARY PUBLIC IN AND FOR THE
STATE OF UTAH

6. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 14 day of November, 1995.


MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319