

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint	:	
and Statement of Charges Against	:	COMPLAINT AND
John Dale Aldershof	:	
Pharmacist	:	STATEMENT OF CHARGES
Respondent	:	

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 5th day of January, 1987, and files this Complaint and Statement of Charges against John D. Aldershof, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges that:

1. Margo L. Underwood, Chairperson; Rollin C. Bridge, Vice Chairperson; Jerry M. Hartleip; John M. Rode; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent is a resident of Cedar Rapids, Iowa, and is licensed to practice pharmacy in Iowa, having been issued license 12633 on November 22, 1960. Respondent's license is current until June 30, 1988.

3. Respondent was the owner and pharmacist-manager of Marion Heights Pharmacy, 1175 Grand Avenue, Marion, Iowa, during the period January 1, 1981, until June 28, 1986.

4. Prescription files and patient records for Marion Heights Pharmacy were transferred to C.R. Econofoods Pharmacy, 1800 51st Street N.E., Cedar Rapids, Iowa, on June 28, 1986.

5. Selected prescription files and patient records from Marion Heights Pharmacy were reviewed pursuant to a complaint received on September 25, 1986. That complaint alleged that Respondent had dispensed numerous prescription drugs to patients without authorization from prescribers to do so. A review of these selected prescription files and patient records, coupled with the records of the patients' physicians, revealed the following:

a. Respondent dispensed the drugs Alupent, Quibron and Thyrolar-2 on numerous occasions between June 11, 1985, and December 7, 1986, without prescriber authorization. (See items 2 and 3 in investigative report dated 10-3-86.)

b. Respondent dispensed the drug Cyclospasmol to a patient on several occasions between March 23, 1985, and May 24, 1986, without prescriber authorization. (See items 4 and 5 in investigative report dated 10-3-86.)

c. Respondent dispensed the drugs APAP with Codeine and Motrin 400 mg to a patient on many occasions between November 19, 1984, and June 20, 1985, without prescriber authorization. (See items 6, 7 and 8 in investigative report dated 10-3-86.)

d. Respondent dispensed the drugs Empirin Compound with Codeine #3 and Noludar 300 mg to a patient on numerous occasions between November 21, 1984, and March 18, 1986, without prescriber authorization. (See items 9, 10, 11 and 12 in investigative report dated 10-3-86.)

e. Respondent dispensed the drug K-tabs to a patient on numerous occasions between August 14, 1985, and June 7, 1986, without prescriber authorization. (See items 13 and 14 in investigative report dated 10-3-86.)

6. Respondent is guilty of violation of Iowa Code Section 155.13(3) and (8); 155.20; 155.30; 204.308(3) and 204.402(1)"a" by virtue of the allegations in paragraph 5.

Section 155.13(3) and (8) read as follows:

"...The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:...

(3) Distributing on the premises of...drugs for any other than lawful purposes.

(8) Violations of the provisions of this chapter."

Section 155.20 reads as follows:

"Restricted prescription drugs. No prescription drug may be sold at wholesale or brokerage for resale to other than licensed pharmacies nor shall any person licensed under this chapter sell or dispense any prescription drug to any person other than a licensed pharmacy or a physician without prescription."

Section 155.30 reads as follows:

"...Any person who violates a provision of Section 155.29 or who sells or offers for sale, gives away, or administers to another person any prescription drug shall be guilty of a public offense...."

Section 204.308(3) reads as follows:

"(3) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined

under Section 155.3, subsections 9 and 10, shall not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner."

Section 204.402(1)"a" reads as follows:

"(1) It is unlawful for any person:

a. Who is subject to Division III to distribute or dispense a controlled substance in violation of section 204.308."

7. Respondent is guilty of a violation of Board Rule §620--10.1(4) "b"(4), "h," "j" and "u," by virtue of the allegations in paragraph 6.

Rule 10.1(4) reads as follows:

"The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

b. Professional incompetency. Professional incompetency includes but is not limited to...(4) a willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

h. ...The distribution of drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of the Code.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

u. Violating any of the grounds for revocation or suspension of a license listed in section...155.13 of the Code."

8. Paragraphs 6 and 7 constitute grounds for which Respondent's license to practice pharmacy can be suspended or revoked.

WHEREFORE, the undersigned charges that John Dale Aldershof has violated Section 155.13(3); 155.13(8); 155.20; 155.30; 204.308(3) and 204.402(1)"a" of the Code of Iowa 1985, and Board Rule §620--10.1(4)"b"(4), "h," "j" and "u" of the Iowa Administrative Code.

IT IS HEREBY ORDERED that John Dale Aldershof appear before the Iowa Board of Pharmacy Examiners on February 17, 1987, at 2:00 p.m. in the second floor conference room, 1209 East Court, Executive Hill West, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice pharmacy issued to John Dale Aldershof on November 22, 1960, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS



Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of :
JOHN D. ALDERSHOF, Pharmacist : STIPULATION
License No. 12633 :

WHEREAS, John D. Aldershof, hereinafter referred to as the Licensee, has had certain allegations made against him by the Board of Pharmacy Examiners, hereinafter referred to as the Board, concerning his professional conduct as a pharmacist, and

WHEREAS, the Licensee admits to the allegations and charges filed against him, and

WHEREAS, both the Licensee and the Board desire to arrive at a mutually agreeable informal settlement of this matter,

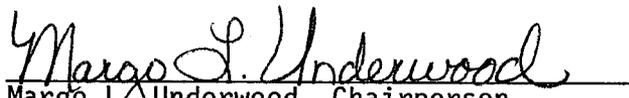
IT IS MUTUALLY AGREED AND STIPULATED as follows between the Licensee and the Board:

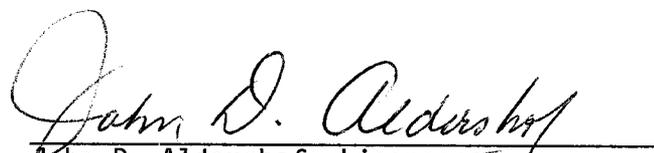
1. That the Board and the Licensee have entered into settlement discussions and have agreed upon a disposition of this matter.
2. That the Licensee desires to avoid the uncertainty and the expense of a trial and desires to consent to the disciplinary action to be taken by the Board as specified in paragraph 4, infra.
3. It is the purpose and intent of the parties hereto to waive all the provisions of Chapter 17A of the 1987 Code of Iowa as they relate to notice and hearing on the matter of revocation or suspension of Licensee's license to be a pharmacist, and to acknowledge that each are fully aware of their rights and procedures afforded them through Chapter 17A of the 1987 Code of Iowa and the rules of the Board of Pharmacy Examiners promulgated in accordance and pursuant thereto, particularly Section 17A.12 as it relates to contested cases and provides notice of hearing and records, and Section 17A.18, as it relates to the requirements concerning notice of the suspension and revocation of licenses.
4. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide the following:
 - a. Licensee's license to practice pharmacy is suspended for one year beginning June 24, 1987. All but 30 days of the suspension is stayed on the provision that Licensee successfully pass the Federal Drug Law Exam (FDLE) to be offered by the Board on June 24, 1987. Should Licensee not pass the FDLE exam on June 24, 1987, his suspension will continue in effect until such time as he does pass FDLE.

- b. Licensee is placed on two years probation beginning on June 24, 1988.
- c. Licensee is fined \$100 payable within 30 days of the signing of the attached order. Licensee will also be required to pay \$100 for the administration of the FDLE exam, and \$20 for the cost of the exam itself. The \$100 will be paid directly to the Board, the \$20 administration fee shall be in the form of a cashier's check or money order and shall be made payable to the National Association of Boards of Pharmacy. Payment of the administration fee and exam fee shall be made no later than May 24, 1987, with both payments sent to the Board office.
- d. Licensee shall review the policy and procedure manual used in his current place of employment and submit recommendations for improvement to the Board office no later than 30 days from the signing of this attached Order.
- e. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
- f. Licensee shall report in writing to the Board office no later than the tenth of each month his residency and employment status during the period of suspension and probation. Should the final probation report not be made as directed, the period of probation shall be extended until such time as the final report is made.
- g. Licensee shall submit to peer review as deemed necessary by the Board.
- h. Licensee shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.
- i. Licensee shall notify all present and prospective employers of the terms, conditions, and restrictions imposed on Licensee by this agreement. Within 30 days of the effective date of this decision, and within 15 days of Licensee undertaking new employment, Licensee shall cause his employer to report to the Board in writing acknowledging that the employer has read the conditions of this agreement.
- j. Licensee shall not supervise any registered intern and shall not perform any of the duties of a preceptor.
- k. Should Licensee leave Iowa to reside or practice outside this state, Licensee must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

- l. Should Licensee violate probation in any respect, the Board, after giving Licensee notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Licensee 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.
- m. Upon successful completion of probation, Licensee's certificate will be fully restored.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.


Margo L. Underwood, Chairperson
Iowa Board of Pharmacy Examiners


John D. Aldershof, Licensee

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of :
JOHN D. ALDERSHOF, Pharmacist : ORDER AND CONSENT TO ORDER
License No. 12633 :

The Iowa Board of Pharmacy Examiners, having been advised of the allegations and charges made against John D. Aldershof, which could cause action to be taken against his license, and Licensee, having entered into a Stipulation representing their mutual informed consent as to the waiver of provisions found in Sections 17A.12 and 17A.18, Code of Iowa 1987, in regards to notice and hearing, the parties to this action agree to an informal settlement of the matter, namely that the license of John D. Aldershof be disciplined according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to the consent of John D. Aldershof, to be contained herein to this Order that the license of John D. Aldershof to practice pharmacy be disciplined according to the conditions outlined in the Stipulation attached hereto and made part of this Order.

Date March 23, 1987

Margo L. Underwood
Margo L. Underwood, Chairperson
Iowa Board of Pharmacy Examiners

CONSENT TO ORDER

I, John D. Aldershof, hereby consent to the Order set forth above, waive my right to a hearing on this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record, and judicial review.

Date March 29, 1987

John D. Aldershof Licensee
John D. Aldershof, Licensee

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

Re:)
Pharmacist License of)
JOHN D. ALDERSHOF) **STATEMENT OF CHARGES**
License No. 12633)
Respondent)

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1997).
3. On November 22, 1960, John D. Aldershof, the Respondent, was issued license number 12633 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 12633 is current and active until June 30, 1998.
5. Respondent's current address is 524 Gwendolyn Drive NE, Cedar Rapids, Iowa 52402.
6. Respondent is currently employed as a staff pharmacist at Econofoods Pharmacy #465, 2300 Edgewood Road SW, Cedar Rapids, Iowa 52404.
7. Respondent's license to practice pharmacy was previously disciplined by the Board in 1987. The complaint and statement of charges alleged that Respondent had "dispensed numerous prescription drugs to patients without authorization from prescribers." In an informal settlement with Respondent, the Board suspended Respondent's pharmacist license for one year, with all but 30 days stayed on the condition that he take and pass the FDLE on June 24, 1987. His license was placed on probation with conditions until June 24, 1990. Respondent also paid a \$100 fine.

COUNT I

The Respondent is charged with making a dispensing error in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code section 9.1(4)(b).

COUNT II

The Respondent is charged with failing to provide patient counseling in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code sections 8.20 and 9.1(4)(w).

THE CIRCUMSTANCES

1. The Board has investigated a complaint from consumer "A" which alleges that Respondent was unable to correctly fill a prescription for Intron®-A for her. The results of the investigation indicate that Respondent did not comply with all board requirements for patient counseling and recordkeeping.

2. The Board has also investigated a complaint from consumer "B" which alleges that Respondent made a dispensing error when filling a prescription for his son for Decadron®. The results of the investigation indicate that Respondent did not comply with all board requirements for patient counseling and that the prescription label was incorrect.

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.


Lloyd K. Jessen
Executive Secretary/Director

On this 10th day of June, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
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 D. ALDERSHOF	}	STIPULATION
License No. 12633	}	AND
Respondent	}	CONSENT ORDER
	}	

On this 16th day of September, 1998, the Iowa Board of Pharmacy Examiners and John D. Aldershof, of 524 Gwendolyn Drive NE, Cedar Rapids, 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 filed against Respondent on June 10, 1998, 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 in Iowa on the 22nd day of November, 1960, by examination as evidenced by Pharmacist License Number 12633, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 12633 issued to Respondent is active and current until June 30, 2000.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on June 10, 1998.

5. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.

6. Respondent's license shall be placed on probation until July 1, 2002, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:

a. Within thirty (30) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall submit to the Board, for its approval, a written policy and procedure for documenting, resolving, and preventing medication dispensing errors in the practice of pharmacy. The policy and procedure shall include a written protocol which describes the procedure for Respondent to follow when a dispensing error occurs. The policy and procedure shall also require that all records of Respondent's dispensing errors be consistently and periodically evaluated by the Respondent as part of a cycle of continuous quality improvement. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

b. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his written policies and procedures for the following: (a) dispensing accuracy; (b) obtaining, recording, and maintaining patient information; (c) patient counseling; and (d) prospective drug use review. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy.

c. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in medication dispensing errors. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to

the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

d. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in patient counseling. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

e. During probation, Respondent shall 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.

f. During probation, Respondent shall report to the board or its designee quarterly. 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.

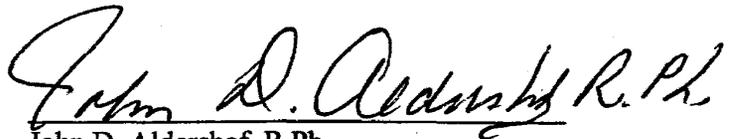
7. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

8. Respondent shall 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 undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

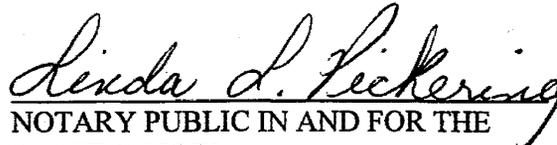
9. Respondent may appear before the Board to request removal of the probation after two years of probation have been successfully completed.

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

11. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 9th day of September, 1998.


John D. Aldershof, R.Ph.
Respondent

Subscribed and Sworn to before me on this 9th day of September, 1998.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

12. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16 day of September, 1998.


ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

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

.....

IN THE MATTER OF THE DISCIPLINARY ACTION
AGAINST
JOHN DALE ALDERSHOF, RESPONDENT

IOWA PHARMACIST LICENSE # 12633

.....

ORDER TERMINATING PROBATION

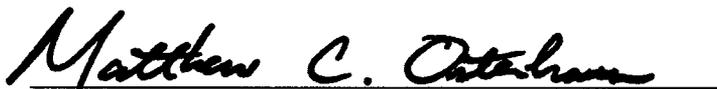
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NOW ON October 10, 2000, BE IT REMEMBERED:

1. That on June 10, 1998, the Board issued a Statement of Charges to Respondent, charging him with making a dispensing error and failing to provide patient counseling.
2. That on September 16, 1998, the Board approved a Stipulation and Consent Order for Respondent in which Respondent's license was placed on probation with conditions until July 1, 2002.
3. That on October 10, 2000, Respondent appeared before the Board to request termination of his probation.
4. That on October 10, 2000, the Board considered the Respondent's request and voted to authorize the termination of the probation placed upon his license to practice pharmacy:

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice pharmacy in Iowa is terminated and the license is returned to its full privileges free and clear of all restrictions.



Matthew C. Osterhaus
Board Chairperson
IOWA BOARD OF PHARMACY EXAMINERS
RiverPoint Business Park
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688