

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-152
Pharmacist License of	)	
<b>JANEE L. ANDERSON</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 16867,	)	
Respondent.	)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 (2011).
3. On February 27, 1987, the Board issued Janee L. Anderson ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 16867, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's address of record is 707 West Jasper Street, Pleasantville, Iowa 50225.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at Iowa Methodist Medical Center Pharmacy, 1200 Pleasant Street, Des Moines, Iowa 50309.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa, as evidenced by Respondent's willful and repeated violations of standards related to the confidentiality of patient records.

COUNT II – UNETHICAL CONDUCT

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 8.11(8) with unethical conduct, specifically the unprofessional disclosure of confidential medical information.

**B. CIRCUMSTANCES**

An investigation was commenced on December 3, 2010, which revealed the following:

1. At all material times, Respondent was employed as a pharmacist at Iowa Methodist Medical Center Pharmacy, 1200 Pleasant Street, Des Moines, Iowa 50309.
2. During the course of her employment, Respondent accessed medical records which were unrelated to performance of her job. Respondent then included information contained in the medical records in a diatribe she posted on Facebook.
3. Respondent acknowledges her improper access to confidential medical records.

**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 Director

On this 10<sup>th</sup> day of November 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
SUSAN FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-152
Pharmacist License of	)	
<b>JANEE L. ANDERSON</b>	)	<b>STIPULATION</b>
License No. 16867	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Janee L. Anderson (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on February 27, 1987, following examination, as evidenced by Pharmacist License Number 16867 which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent is active and current until June 30, 2012.
3. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent by the Board on November 10, 2011.
5. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist at Iowa Methodist Medical Center Pharmacy, 1200

Pleasant Street, Des Moines, Iowa 50309.

6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent's Iowa pharmacist license shall be placed on probation. Probation is granted under the following conditions, which Respondent agrees to follow:

- a. The period of probation shall be one (1) year, provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
- b. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent must take and pass the Multi-State Pharmacy Jurisprudence Exam (MPJE), Iowa edition.
- c. During Respondent's probationary period Respondent shall file sworn quarterly reports with the Board attesting to Respondent's compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than January 5, April 5, July 5 and October 5 of each calendar year – until the probationary period has expired – and *shall include a description of Respondent's most recent efforts to comply with this Stipulation and Consent Order.*
- d. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work

telephone number, within ten (10) days of such a change.

e. 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 her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it. It shall be Respondent's responsibility to assure that these reports are provided to the Board.

f. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

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

h. Respondent shall comply with such other reasonable terms as the Board may wish to impose.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1,500. This civil penalty shall be paid within six (6) months after the Board's approval of this Stipulation and Consent Order, by check made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

9. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC § 36.

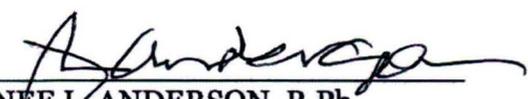
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all right to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objection to this Stipulation and Consent Order.

11. The State's legal counsel may present this Stipulation and Consent Order to the Board.

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

13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 24 day of Aug 2012.

  
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JANE L. ANDERSON, R.Ph.  
Respondent

Subscribed and sworn to before me by Janee L. Anderson on this 24<sup>th</sup> day of August 2012.



Vicky L. Brent  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 29<sup>th</sup> day of August 2012.

Susan M. Frey  
SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa Weeg  
Assistant Attorney General  
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