

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

Re:)	Case No. 2006-05
Pharmacy License of)	
ATLANTIC MEDICAL CENTER)	STATEMENT OF CHARGES
PHARMACY)	
License No. 317)	
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 (2005).
3. Effective December 6, 2005, the Board renewed Respondent's general pharmacy license number 317 with LuAnn Ihnken as pharmacist in charge, allowing Respondent to engage in the operation of pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 317 is current until December 31, 2006.
5. Respondent is currently operating a general pharmacy at 1501 East Tenth Street, Atlantic, Iowa 50022.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

The Respondent is charged with lack of professional competency in violation of Iowa Code §§ 155A.12(2)(c) (2005) and 657 Iowa Administrative Code 36.1(4)(b), 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.

COUNT II – DISPENSING MISLABELED DRUGS

The Respondent is charged with dispensing mislabeled prescription drugs in violation of Iowa Code § 155A.15(2)(f) and 657 Iowa Administrative Code 36.1(4)(c).

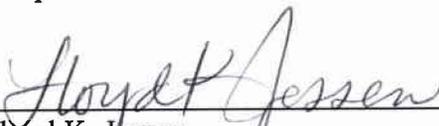
COUNT III – PRESCRIPTION PROCESSING DOCUMENTATION

The Respondent is charged with failing to maintain complete and adequate records relating to documentation of receipt of new or refill prescription authorization in violation of Iowa Code § 155A.12(4) and 657 Iowa Administrative Code 6.8(124,155A).

B. CIRCUMSTANCES

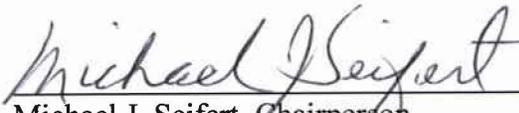
Circumstances supporting the above charges are set forth in Attachment A.

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 15 day of Nov. 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

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

Re:

Pharmacy License of

ATLANTIC MEDICAL CENTER

PHARMACY

License No. 317

Respondent

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Case No. 2006-05

**STIPULATION
AND
CONSENT ORDER**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), The Iowa Board of Pharmacy (hereinafter, the "Board") and Atlantic Medical Center Pharmacy (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Iowa Board of Pharmacy. The Statement of Charges filed against Respondent on November 15, 2006, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent's license to operate a pharmacy was renewed on December 17, 2007 as evidenced by Pharmacy License Number 317, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 317 issued to and held by Respondent is current and in force until December 31, 2009.
3. 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 November 15, 2006.
5. Respondent does not 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.

6. Respondent's license shall be placed on probation for two (2) years, upon the following conditions:

a. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten*¹ pharmacy policies and procedures for obtaining and maintaining accurate prescription information prior to the dispensing of prescription medications. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

b. During probation, the *Pharmacist in Charge* of 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 December 5, March 5, June 5 and September 5 of each calendar year. Respondent's quarterly reports shall identify the current pharmacist in charge, all staff pharmacists, Respondent's *most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

c. After successfully completing the first year of probation, Respondent may petition the Board for termination of the remaining period of probation.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1000. This civil penalty payment shall

be made payable to the Treasurer of Iowa and promptly mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

8. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.

9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 Iowa Administrative Code § 36.1.

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

11. This proposed settlement 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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

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

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

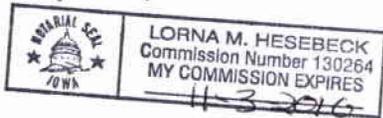
1 For the purposes of this order, "typewritten" policies may be generated on computer word-processing equipment.

This Stipulation and Consent Order is voluntarily submitted by Atlantic Medical Center

Pharmacy to the Iowa Board of Pharmacy for its consideration on this 28 day of July 2009.

Atlantic Medical Center Pharmacy
Atlantic Medical Center Pharmacy
Respondent
By Luann Ihnken, R.Ph.
Pharmacist in Charge

Subscribed and sworn to before me by Luann Ihnken, who has stated to me that she is the pharmacist in charge of Atlantic Medical Center Pharmacy and is authorized to sign this Stipulation and Consent Order on behalf of Atlantic Medical Center Pharmacy on this 28 day of July 2009.



Lorna M. Heesebeck
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 22nd day of Sept. 2009.

Vernon Benjamin
VERNON BENJAMIN, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Robert R. Holz, Jr.
Attorney
215 10th Street,
Ste. 1300,
Des Moines, IA 50309-3993

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
ATLANTIC MEDICAL CENTER, RESPONDENT**

TERMINATION ORDER

DATE: March 14, 2011

1. On September 22, 2009, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 317 issued to Atlantic Medical Center on probation for a period of two years under certain terms and conditions.

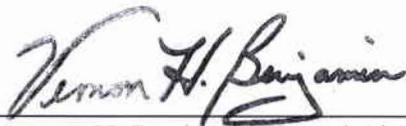
2. On November 17, 2010, Respondent petitioned the Board for early release from probation.

3. On March 8, 2011, the Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

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

IOWA BOARD OF PHARMACY



Vernon H. Benjamin, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688