

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Pharmacist License of) BRUCE A. BABCOCK) License No. 17343,) Respondent.)	Case No. 2010-3 STATEMENT OF CHARGES
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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 (2009).
3. On January 24, 1990, the Board issued Bruce A. Babcock ("Respondent"), by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 17343, 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 4906 Bel-Aire Road, Des Moines, Iowa 50310.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Hy-Vee Food & Drug 2, 2540 East Euclid Avenue, Des Moines, Iowa 50717.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2009) 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.

COUNT II – FAILURE TO MAINTAIN ADEQUATE RECORDS

Respondent is charged under Iowa Code § 155A.12(4) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(ac) and 36.1(4)(u), with failing to maintain complete and adequate records of purchases, sales and disposal of drugs.

B. CIRCUMSTANCES

An investigation was commenced January 8, 2010, which revealed the following:

1. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Hy-Vee Food & Drug 2, 2540 East Euclid Avenue, Des Moines, Iowa 50717.
2. A patient phoned Hy-Vee Food & Drug 2 seeking to refill her warfarin 5mg prescription. When the patient picked up her refill, she was dispensed a bottle of warfarin 5mg tablets with a label attributing the prescription to a doctor the patient had not seen.
3. After the patient became aware of the labeling mistake, she called Hy-Vee Food & Drug and spoke with Respondent. Although the patient requested that Respondent deliver a correctly labeled prescription bottle to her, Respondent directed her to pour the contents of the new prescription into the bottle used in a prior fill of the medication, since the old bottle contained the directions and doctor name the patient felt were accurate.
4. Then, without contacting the patient's prescriber, Respondent altered the patient's records (the patient's prescription profile) so that the information relating to the most recently dispensed prescription conformed to prescriber information and medication directions given to Respondent by the patient and the patient's daughter.
5. Respondent acknowledges that he did not follow appropriate procedures.
6. Respondent was unable to locate the patient's original prescription.
7. An inspection of the Hy-Vee Food & Drug 2 revealed record-keeping deficiencies and out-dated prescription medications in stock.

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 8 day of March 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


VERNON H. BENJAMIN, 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

Bruce A. Babcock
4906 Bel-Aire Road
Des Moines, Iowa 50310

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BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-3
Pharmacist License of)	
BRUCE A. BABCOCK)	STIPULATION
License No. 17343)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, “Board”) and Bruce A. Babcock (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 January 24, 1990, following examination, as evidenced by Pharmacist License Number 17343 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, 2013.
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 March 8, 2011.

5. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Hy-Vee Food and Drug 2, 2540 East Euclid Avenue, Des Moines, Iowa 50017.

6. Respondent denies the allegations contained in the Statement of Charges, but in the interest of settlement has chosen not to contest the allegations. Respondent 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 for a term of three (3) years. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete not less than two (2) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on pharmacist ethics. Upon completion of the two hours of CPE, documentation of satisfactory completion shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board

*typewritten*¹ personal policies and procedures regarding (1) appropriate handling of medication dispensing errors and (2) removal of out dated medications from stock. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of pharmacy in a pharmacy which has no policies concerning appropriate handling of medication dispensing errors and removal of out dated medications from stock.

c. 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 and *shall include a description of Respondent's most recent efforts to comply with this Stipulation and Consent Order, including paragraphs (a) through (c) above.*

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 during the probationary period, Respondent shall cause his pharmacy employer, and any pharmacist-in-

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

charge he 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 his 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.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2500. The civil penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulation and Consent Order. 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.

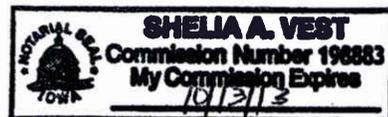
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 9th day of August 2011.

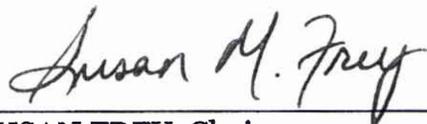
Bruce A. Babcock
BRUCE A. BABCOCK, R.Ph.
Respondent

Subscribed and sworn to before me by Bruce A. Babcock on this 9th day of August 2011.

Shelia Vest
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 10 day of August 2011.



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
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Edwin N. McIntosh
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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST

BRUCE A. BABCOCK, R.Ph., RESPONDENT

2010-3

TERMINATION ORDER

DATE: August 10, 2014

1. On August 10, 2011, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 17343 issued to Bruce A. Babcock on January 24, 1990, on probation for a period of three years under certain terms and conditions.

2. Respondent has successfully completed the probation as directed.

3. 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



Edward L. Mair, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688