

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

Re:)
Pharmacist License of)
KAYE L. BAX) **STATEMENT OF CHARGES**
License No. 16387)
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 (1995).

3. On February 21, 1984, Kaye L. Bax, the Respondent, was issued license number 16387 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 16387 is current and active until June 30, 1997.

5. Respondent's current mailing address is Rural Route 2, Box #291 Greenfield, Iowa 50849.

6. Respondent is currently self-employed as the owner and pharmacist in charge of Fontanelle Drug, 401 Washington, Fontanelle, Iowa 50846.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(2), and 155A.12(4) (1995) and 657 Iowa Administrative Code §§ 8.5(1), 9.1(4)(b), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) with making medication dispensing errors on prescriptions filled for patient "John Doe" and with altering pharmacy and prescription records in an attempt to conceal the dispensing errors.

THE CIRCUMSTANCES

On or about April 29, 1994, Respondent allegedly altered pharmacy and prescription records at Fontanelle Drug in an attempt to conceal medication dispensing errors on prescriptions filled by Respondent for patient "John Doe." Respondent allegedly dispensed Butalbital Compound (a generic for Fiorinal®) instead of Butalbital/APAP/CAF (a generic for Fioricet®) to "John Doe" over an extended period of time. As a result of the error, the patient was ingesting aspirin rather than acetaminophen. Aspirin was allegedly contraindicated for the patient due to several medical problems. It is alleged that Respondent was aware of this fact.

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 11th day of October, 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

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

Re: Pharmacist License of
KAYE L. BAX
License No. 16387
Respondent

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**STIPULATION
AND
INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Kaye L. Bax, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1995), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 21st day of February, 1984, by examination, as evidenced by license number 16387, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 16387 issued to and held by Respondent is current until June 30, 1997.
3. Respondent is currently self-employed as the owner and pharmacist in charge of Fontanelle Drug, 401 Washington, Fontanelle, Iowa 50846.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 11, 1995.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims, liability for which is expressly denied by Kaye L. Bax and Fontanelle Drug, and the execution of this Stipulation and Informal Settlement shall not constitute an admission of liability on the part of either.

7. Respondent agrees to accept probation for a period of two (2) years from the date of approval of this Stipulation and Informal Settlement for the alleged violations set forth in the Statement of Charges that was issued on October 11, 1995. During the probationary period the Respondent agrees to accept and perform the following:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

b. 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.

c. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

d. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

8. Within 14 months of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall take and successfully pass the Iowa Drug Law Exam (IDLE) with a score of 75 percent, and the Federal Drug Law Exam (FDLE) with a score of 75. Respondent may take the exams a maximum of three (3) times during the 14-month period. Failure to pass the IDLE or FDLE within the 14-month period will be grounds to revoke probation and take additional disciplinary action.

9. When engaging in the practice of pharmacy, Respondent agrees to maintain the integrity and confidentiality of patient records and prescription drug orders. Respondent further agrees to document any change or alteration that is made to a patient's record or a prescription drug order.

10. 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 Informal Settlement 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.

11. Should Respondent leave Iowa to practice pharmacy outside this State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of practice outside the State shall not apply to reduction of the probationary period.

12. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation. 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.

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

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

15. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 27 day of December, 1995.

Kaye L. Bax R.Ph.
KAYE L. BAX, R.Ph.
Respondent

Subscribed and Sworn to before me on this 27 day of December, 1995.



Cecilia Buckner
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

16. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 9 day of January, 1996.

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