

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

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Re: )  
Pharmacist License of )  
**JAMES E. BRELSFORD** ) **STATEMENT OF CHARGES**  
License No. 14669 )  
Respondent )

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**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 January 6, 1976, James E. Brelsford, the Respondent, was issued license number 14669 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 14669 is current and active until June 30, 1998.
5. Respondent's current address is 900 57th Place, West Des Moines, Iowa 50265.
6. Respondent is currently employed as the pharmacist in charge of Hammer NCS HealthCare Pharmacy, 604 East Grand Avenue, Des Moines, Iowa 50309, and has been employed as such during all times relevant to this statement of charges.

**COUNT I**

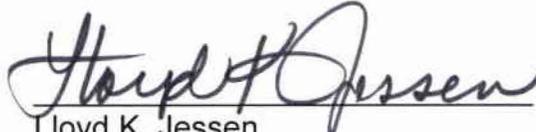
The Respondent is charged with allowing pharmacy technicians to provide the final verification for the accuracy of filled prescriptions in violation of 1997 Iowa Code §§ 155A.12(1) and 155A.12(6) and 657 Iowa Administrative Code Sections 6.1, 8.1(1), 9.1(4)(j), 9.1(4)(l), 9.1(4)(u), 22.12(1), and 22.13.

## THE CIRCUMSTANCES

1. The Board received a complaint which alleged that, during the past ten years, Respondent routinely allowed pharmacy technicians to provide the final verification for the accuracy of filled prescriptions for nursing home residents.

2. On October 8, 1997, the Board received a written statement from Respondent which indicated that he had delegated the final verification of the accuracy of prescriptions filled for nursing home residents to pharmacy technicians. He also indicated that he would "start documenting the pharmacist accepting responsibility for delegating this skill to a technician."

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 14th day of October, 1997, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Phyllis A. Olson, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Linny Emrich  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of :  
**JAMES E. BRELSFORD** : **STIPULATION**  
License No. 14669 : **AND**  
Respondent : **INFORMAL SETTLEMENT**

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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and James E. Brelsford, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), 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 6th day of January, 1976, by examination, as evidenced by license number 14669, which is recorded in the permanent records of the Board.

2. Iowa Pharmacist License Number 14669 issued to and held by Respondent is current and active until June 30, 1998.

3. Respondent was employed as the pharmacist in charge of the Hammer NCS HealthCare Pharmacy in Des Moines, Iowa.

4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 14, 1997.

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.

7. The Respondent's license is placed on probation for a period of six (6) months from the date of approval of this

Stipulation and Informal Settlement. During the probationary period, the Respondent shall:

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

b. Within sixty (60) days of the date of approval of this Stipulation by the Board, the Respondent shall submit to the Board, for its approval, its written policy and procedure for ensuring that an Iowa-licensed pharmacist provides the final verification of the accuracy of all prescriptions and medication orders filled by Respondent. Following review and approval by the Board, the Respondent shall continue to adhere to this policy and procedure provided, however, that if applicable federal and state laws and regulations are amended or modified to permit change to such policy and procedure, the Respondent may change such policy and procedure as long such revised policy and procedures are consistent with applicable federal and state laws and regulations.

c. The Respondent shall comply with all applicable requirements contained in 657 Iowa Administrative Code chapter 22, "Pharmacy Technicians," which became effective on April 30, 1997.

d. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation. After the six-month probationary period, Respondent shall submit to a comprehensive audit and review by the Board or agents of the Board to verify material compliance

with the rules and regulations of the Board. The audit and review shall focus on Respondent's documentation of prescriptions and medication orders filled by Respondent including refills of such orders and may include interviews of pharmacists and technicians who have processed prescriptions and medication orders.

e. In the event of any material violation of the terms of this Stipulation, the Board may pursue further disciplinary action as provided by Iowa law.

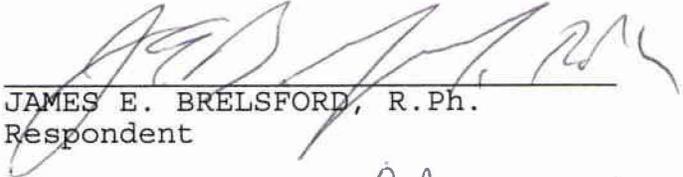
f. If a Statement of Charges is filed against Respondent during probation, the Board shall have the continuing jurisdiction until the matter is final.

g. Upon successful completion of probation, Respondent's license will be fully restored.

8. Respondent shall pay a civil penalty of \$5,000.00 within 30 days of the date of approval of this Stipulation and Informal Settlement by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

9. 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.

10. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 2nd day of March, 1998.

  
JAMES E. BRELSFORD, R.Ph.  
Respondent

Subscribed and sworn to before me this 2nd day of March, 1998.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

14. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 3rd day of March, 1998.

  
PHYLLIS A. OLSON, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Linny Emrich  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319