

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

Re:)
Pharmacy License of)
CENTER POINT PHARMACY) **STATEMENT OF CHARGES**
License No. 985)
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 (1997).
3. On December 28, 1998, the Board renewed Respondent general pharmacy license number 985 with Steven A. Davis 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 985 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 822 Franklin Street, Center Point, Iowa 52213, with Steven A. Davis as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2) (1997) and 657 Iowa Administrative Code §§ 6.8 & 9.1(4) with failure to maintain controlled substances records in a readily retrievable manner.

COUNT II

The Respondent is charged under Iowa Code § 155A.15(2) (1997) and 657 Iowa Administrative Code §§ 6.7(3) & 9.1(4) with failure to remove and quarantine all out of date drugs.

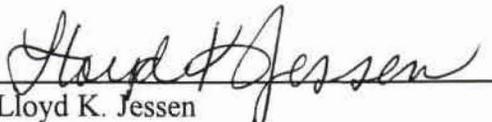
COUNT III

The Respondent is charged under Iowa Code § 155A.15(2) (1997) and 657 Iowa Administrative Code §§ 8.15(2) & 9.1(4)(d) with failure to place the name, strength, and either the manufacturer's or distributor's name or the National Drug Code of the actual product dispensed on the file copy of the prescription drug order when exercising drug product selection pursuant to Iowa Code § 155A.32.

THE CIRCUMSTANCES

1. On February 5, 1999, as part of a routine inspection and audit of Respondent's controlled substances, a Board investigator discovered that Respondent's controlled substances records were not readily retrievable.
2. During the inspection, the Board investigator discovered four out-dated bottles of medication in Respondent's dispensing shelves within a short period of time.
3. During a follow-up to the inspection, the Board investigator discovered several prescriptions in which Respondent had dispensed generic substitutes for the drugs actually prescribed by the prescriber but Respondent's records did not include the name of the manufacturer on the copy of the prescription drug order on some of the prescriptions and other records contained no information of what product was actually dispensed on the file copy of the prescription drug order.

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 14 day of April, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

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

Re:	}	
Pharmacy License of	}	
CENTER POINT PHARMACY	}	STIPULATION
License No. 985	}	AND
Steven A. Davis,	}	CONSENT ORDER
Pharmacist in charge,	}	
Respondent	}	

On this 16th day of July, 1999, the Iowa Board of Pharmacy Examiners and Center Point Pharmacy of Center Point, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on April 14, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent's license to operate a pharmacy was renewed on the 28th day of December, 1998, as evidenced by General Pharmacy License Number 985, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 985 issued to and currently held by Respondent is current and in full force until December 31, 1999.
3. That 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 on April 14, 1999.
5. This Stipulation and Consent Order is entered into in order to resolve a disputed claim and constitutes no admission on the part of Respondent.

SECTION I

THEREFORE, IT IS HEREBY AGREED that Iowa General Pharmacy License Number 985 issued to Respondent is placed on probation for three (3) years. During the probationary period the Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and comply with the provisions of Section II.

SECTION II

1. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its written policies and procedures for the following: (a) maintaining controlled substance records in a readily retrievable manner, (b) removing and quarantining all outdated drugs, and (c) complying with Iowa pharmacy law and Board rules pertaining to drug product selection. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

2. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses."

3. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation and Consent Order.

4. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and

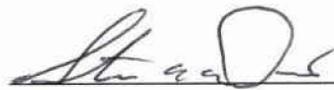
opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

5. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose additional disciplinary sanctions, including the revocation of Respondent's license to operate a pharmacy. 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.

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

7. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, 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.

8. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 11th day of May, 1998.



CENTER POINT PHARMACY
Steven A. Davis, R.Ph.,
Pharmacist in charge,
Respondent

Subscribed and Sworn to before me on this 11th day of May, 1999.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

9. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16th day of July, 1999.


ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319