

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

Re:)	Case No. 2006-82
Pharmacist License of)	
KEVIN CHRISTIANS)	STATEMENT OF CHARGES
License No. 18426)	
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. On July 25, 1995, the Board issued Respondent, Kevin Christians, following examination, a license to engage in the practice of pharmacy as evidenced by license number 18426, 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, 2007.
5. Respondent's address is 935 Forest Edge Drive, Coralville, Iowa.
6. Respondent was, at all material times, employed as a pharmacist at ValuScript Pharmacy, 4105 Westcor Court Suite 1, Coralville, Iowa.

A. CHARGES

COUNT I – DEPARTURE FROM PROFESSIONAL STANDARDS

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (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.

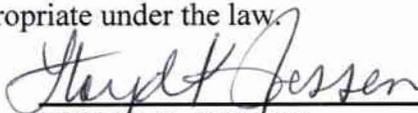
COUNT II – INADEQUATE CONTROLS OVER CONTROLLED SUBSTANCES

The Respondent is charged with failing to maintain adequate control over and accountability for drugs, including controlled substances, in violation of Iowa Code " 124.308(3), 124.402(1)(a), 155A.12(1) and 155A.12(5) (2005) and 657 Iowa Administrative Code ' 6.7.

B. CIRCUMSTANCES

The 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 16th day of January 2007, 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, Iowa 50319

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BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-30
Pharmacist License of)	
KEVIN CHRISTIANS)	STATEMENT OF CHARGES
License No. 18426,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy 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 July 25, 1995, the Board issued Kevin Christians (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 18426, 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, 2011.
5. Respondent's address of record is 893 Forest Edge Circle, Coralville, Iowa 52241.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at ValueMed Pharmacy, 224 4th Street, Suite 100, Sioux City, Iowa 51101.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2009) 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 – UNETHICAL CONDUCT

Respondent is charged pursuant to Iowa Code §§ 155A.12(1) and 155A.12(2) (2009), and 657 Iowa Administrative Code §§ 8.11(1), 8.11(5), 8.11(8) and 36.1(4)(u), with unethical conduct.

B. CIRCUMSTANCES

On or about April 12, 2007, an investigation was commenced, revealing the following:

1. At all times pertinent to this investigation, Respondent was an employee of ValueMed Pharmacy (hereinafter, "ValueMed"), located in Sioux City, Iowa. ValueMed, provides pharmacy services to long-term care facilities. ValueMed is owned by KST Group, LLC, which also owns Signature Care Centers, LLC, an operator of long-term care facilities. One of the long-term care facilities owned by Signature Care Centers is Rosewood Manor in Estherville, Iowa (hereinafter, "Rosewood"), 110 miles from Sioux City.
2. In March of 2007, residents of Rosewood received a letter that Rosewood had "entered into a new contract with ValueMed Pharmacy, effective April 25, 2007." The letter does nothing to indicate that residents have a choice of providers of pharmacy services.
3. The March 2007 letter states that "ValueMed Pharmacy is an independent, pharmacist owned provider. . . ."
4. Estherville Drug received a letter from Rosewood dated March 13, 2007 advising that Rosewood would no longer be needing the services of Estherville Drug.
5. In response to the letter, Alan Robinson, on behalf of Estherville Drug, ran an ad in the Estherville newspaper advising readers that the residents of Rosewood were not required to "switch your prescriptions to Valley Vue Pharmacy in Sioux City, IA." Robinson, on behalf of Estherville Drug, also sent letters to Rosewood resident family members.
6. On April 5, 2007, Respondent and pharmacist Tom Dean, employees of ValueMed, arrived at Estherville Drug, apparently to speak with Alan Robinson. Dean confronted Robinson over Robinson's providing Rosewood residents the phone number of the Iowa Department of Inspections and Appeals, and Robinson's newspaper advertisement regarding Rosewood residents' freedom to choose Estherville Drug. Dean also indicated to Robinson that his visit was intended to threaten Robinson.

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 10th day of March 2010, 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

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BEFORE THE IOWA BOARD OF PHARMACY IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-30
Pharmacist License of)	Case No. 2006-82
KEVIN CHRISTIANS)	STIPULATION
License No. 18426)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, "Board") and Kevin Christians (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 July 25, 1995, following examination, as evidenced by Pharmacist License Number 18426 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, 2011.
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 10, 2010.
5. Respondent was, at all times material to the Statement of Charges, affiliated with ValuMed Pharmacy, 224 4th Street, Suite 100, Sioux City, Iowa 51101.

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6. Respondent does not admit the allegations contained in the Notice of Hearing and Statement of Charges and enters into this Stipulation and Consent Order for the sole purpose of resolving this matter to avoid the burden, expense, delay and uncertainties of a contested case hearing. 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 two (2) 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 four (4) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall focus on pharmacist ethics (2 hours) and pharmacy law (2 hours). Upon completion of the 4 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 pharmacist 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 pharmacy policies and procedures for the following: (i) controlled substance security, (ii) controlled substance disposal, and (iii) controlled substance

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

recordkeeping and accountability. 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 controlled substance security, disposal or record-keeping and accountability.

c. 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.

d. 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, Respondent shall cause his pharmacy employer, and any pharmacist-in-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.

e. 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.

f. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

g. Respondent shall comply with such other reasonable terms as the Board

may wish to impose.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, by check made payable to the Treasurer of Iowa and mailed to the executive director of the Board. 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 (2009), 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 21st day of October 2010.



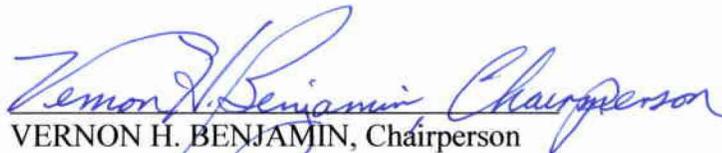
KEVIN CHRISTIANS, R.Ph.
Respondent

Subscribed and sworn to before me by Kevin Christians on this 21st day of October 2010.



NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 3^d day of November 2010.



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
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Tammy Westhoff Gentry
2910 Grand Avenue
Des Moines, IA 50312