

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

Re:)	Case No. 2003-41
Pharmacy License of)	
CONNORS CLINIC PHARMACY,)	STATEMENT OF CHARGES
License No. 524,)	
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 (2003).
3. Effective November 7, 2002, the Board renewed Respondent's general pharmacy license number 524, with Terry Connor 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 524 is current until December 31, 2004.
5. Respondent is currently operating a general pharmacy at 1501 South Main Street, Charles City, Iowa 50616.

A. CHARGES

COUNT I -- FAILURE TO MAINTAIN RECORDS AND CONTROL OVER DRUGS

Respondent is charged with failing to maintain complete and adequate records of purchases and disposal of drugs listed in the controlled substances act in violation of Iowa Code § 155A.15(4) (2003) and 657 Iowa Administrative Code § 36.1(4)(cc), and with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.15(2)(c), (h) and (i) (2003), and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

COUNT II – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution and dispensing of drugs for other than lawful purposes in violation of Iowa Code § 155A.15(2)(d) (2003) and 657 Iowa Administrative Code § 36.1(4)(h), including dispensing unauthorized prescription refills and dispensing prescription drugs in the absence of a prescription.

COUNT III – AIDING THE UNLAWFUL PRACTICE OF PHARMACY

Respondent is charged with aiding the unlawful practice of pharmacy in violation of Iowa Code § 155A.15(2)(e) (2003) and 657 Iowa Administrative Code § 36.1(4)(l), by allowing a non-pharmacist to practice pharmacy.

COUNT IV – EMPLOYMENT OF UNLICENSED TECHNICIAN

Respondent is charged with employment of unlicensed technicians in violation of Iowa Code § 155A.15(2)(c) (2003) and 657 Iowa Administrative Code § 36.1(4)(aa).

COUNT V – ENGAGING IN UNETHICAL CONDUCT

The Respondent is charged with engaging in unethical conduct in violation of Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code § 36.1(4)(c) by, among other things, accepting sample medications as payment for prescriptions, falsifying reimbursement claims, falsifying pharmacy records and falsely claiming wholesaler deliveries were incomplete.

COUNT VI – ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES

Respondent is charged with distribution and dispensing of schedule 5 controlled substances in unlawful quantities in violation of Iowa Code §§ 155A.15(2)(c) (2003) and 657 Iowa Administrative Code § 10.31(2)(b), specifically, dispensing Guaifen/Codeine in 8 ounce quantities.

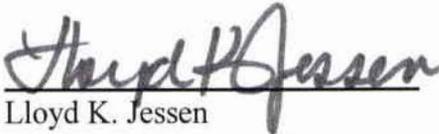
B. CIRCUMSTANCES

On or about May 12, 2003 an investigation was commenced, revealing the following:

1. Prescription records maintained at the Connors Clinic Pharmacy do not match dispensing records at the pharmacy. Prescription medications were dispensed without a supporting prescription and prescription refills were provided to customers without prescriber authorization. Some prescriptions were refilled more than 11 times. Records relating to controlled substances are incomplete.
2. Technicians employed by Connors Clinic Pharmacy were not registered with the Iowa Board of Pharmacy Examiners.
3. Technicians employed by Connors Clinic Pharmacy dispensed prescriptions and filled prescriptions without review by a pharmacist.

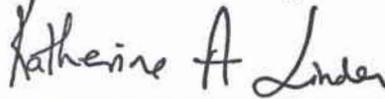
4. Records of Title XIX claims indicate that prescriptions, for which there is no prescriber record of a prescription being made or script on record at Connors Clinic Pharmacy, were dispensed to patients.
5. As payment for prescription medications, Connors Clinic Pharmacy accepted sample medications from the employees of the adjacent medical clinic.
6. Connors Clinic Pharmacy has made claims to wholesaler McKesson Drug Company (and received credits) for allegedly incomplete delivery of drugs when, in fact, the drugs had been delivered and checked in at the time of receipt.
7. Respondent's pharmacist in charge admits dispensing generic drugs, while filing medical benefits claims for brand name drugs, allegedly to eliminate co-pay costs for customers. Respondent's pharmacist in charge further admits submitting Title XIX reimbursement claims, on behalf of Respondent, for medications which were not dispensed in the form stated on the claim.
8. Audits of controlled substances revealed inventory shortages (e.g., Guaifen/Codeine – 4 oz., 68 bottles short). Guaifen/Codeine was dispensed from Respondent pharmacy in 8 oz. units.
9. An audit of non-controlled substances indicated a substantially greater number of units of some medications had been dispensed than had been received into inventory at Respondent pharmacy (e.g., as many as 155 more Z-Paks dispensed than received).

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 21 day of January 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Katherine A. Linder, 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

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

Re:)	ORDER
Pharmacist License of)	ACCEPTING
TERRY H. CONNOR)	SURRENDER OF
License No. 13693)	PHARMACIST LICENSE

COMES NOW, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy Examiners, on September 13, 2006, and declares that:

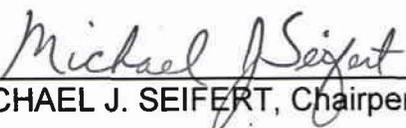
1. On September 5, 2006, Respondent executed a voluntary surrender of his pharmacist license number 13693.

3. On September 13, 2006, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 13693 is hereby accepted.

IOWA BOARD OF PHARMACY EXAMINERS



MICHAEL J. SEIFERT, Chairperson

VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Terry H. Connor, a resident of Charles City, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my State of Iowa pharmacist license, number 13693, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, Terry H. Connor, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or by any other state official, do hereby further acknowledge that by signing this surrender statement I am knowingly and willingly giving up my right to exercise the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure as a pharmacist pursuant to Iowa Code Chapter 155A (2005).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at formal hearing.

I, Terry H. Connor, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license which has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Pre-requisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for

reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

36.13(2) Pharmacist license revoked or surrendered-- examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 36.14 (17A, 124B, 147, 155A, 272C).

36.13(4) Burden of proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657--Chapter 14.

I, Terry H. Connor, hereby further give my assurance that I will not engage, in any manner, in the practices of a pharmacist in the State of Iowa for which a license is required.

9.5-2006
Date of signature

Terry H. Connor
Terry H. Connor

State of Iowa :

: ss

County of Floyd :

Subscribed and sworn to before me by Terry H. Connor on this 5th day of September 2006.

Kathy Jo Heuer

NOTARY PUBLIC FOR THE STATE OF IOWA

Connor-surrender.doc

