

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

Re:	)	COMPLAINT
Pharmacist License of	)	AND STATEMENT
LISA A. CROSSETT	)	OF CHARGES
License No. 16920	)	AND
Respondent	)	NOTICE
	)	OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary-Director of the Iowa Board of Pharmacy Examiners, on the 8th day of March, 1993, and files this Complaint and Statement of Charges and Notice of Hearing against Lisa A. Crossett, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Alan M. Shepley, Chairperson; Marian L. Roberts, Vice Chairperson; Donna J. Flower; Phyllis A. Miller; Phyllis A. Olson; Ronald B. Reiff; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on July 24, 1987, by examination.

3. Respondent currently resides at 202 South Lincoln, Knoxville, Iowa 50138.

4. Respondent is currently employed as a pharmacist at Baker Drug, 203 East Main, Knoxville, Iowa 50138.

5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1993.

6. The Board has received an investigative report from Pharmacy Investigator Dennis D. Dobesh dated February 25, 1993, and other investigative information which allege the following:

a. A complaint was received on January 28, 1993, which alleged that pharmacists at Baker Drug were unlawfully dispensing Mexican drugs to patients.

b. On February 5, 1993, Respondent admitted, in writing, that while working at Baker Drug she had dispensed various drugs which she knew had been obtained in Mexico by her father and employer, Verlyn Dean Moats.

c. On February 2, 1993, Board Investigators Dennis D. Dobesh and Gary D. Ebeling seized the following Mexican drugs which were found either on the premises of Baker Drug or inside unit-dose containers which had been filled by the Respondent and other pharmacists at Baker Drug and delivered to nursing homes for administration to nursing home residents:

728 tablets of Zantac 150mg
23 tablets of Zantac 300mg
825 tablets of Naprosyn 250mg
538 tablets of Naprosyn 500mg
416 tablets of Tagamet 400mg
69 tablets of Noroxin 400mg
34 tablets of Seldane-D
647 capsules of Feldene 20mg
76 capsules of Ceclor 500mg

d. These drugs were obtained over-the-counter in Mexico by Respondent's father and employer, Verlyn Dean Moats. In the United States these drugs are prescription-only. The Mexican Zantac was imprinted as "Azantac" and had a different

appearance from Zantac. Some of the other Mexican drugs obtained by Mr. Moats also had a different appearance and different imprint from their U.S.-counterparts. None of the Mexican-obtained drugs were authorized by the FDA for use in the United States.

e. Respondent's father and employer, Verlyn Dean Moats, removed the Mexican drugs from their original packaging and repackaged them into stock bottles for storage at Baker Drug. In most cases, the lot numbers and expiration dates of the individual tablets were not recorded or maintained, nor were they indicated on the label of the stock bottles. It is alleged that tablets of various lot numbers and various expiration dates were mixed together.

f. When these Mexican drugs were dispensed to patients by Respondent and by other pharmacists at Baker Drug, the prescription vials or containers were labeled with the names of the U.S.-counterparts.

7. Respondent is guilty of violations of 1993 Iowa Code sections 147.55(3), 155A.12(1), 155A.12(2), 155A.12(3), 126.3(1), 126.10(1), 126.10(9)(a), 126.10(9)(b), 126.10(9)(c), and 272C.10(3) by virtue of the allegations contained in paragraph 6.

1993 Iowa Code section 147.55 provides, in part, the following:

A license to practice a profession shall be revoked or suspended when the licensee is guilty of the following acts or offenses:...

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

1993 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.
2. Engaged in unethical conduct as that term is defined by rules of the board.
3. Violated any of the provisions for licensee discipline set forth in section 147.55.

1993 Iowa Code section 126.3 (formerly 1991 Iowa Code section 203B.3) provides, in part, the following:

The following acts and the causing of the acts within this state are unlawful:

1. The introduction or delivery for introduction into commerce of any drug, device, or cosmetic that is adulterated or misbranded.

1993 Iowa Code section 126.10 (formerly 1991 Iowa Code section 203B.10) provides, in part, the following:

A drug or device is misbranded under any of the following circumstances:

1. If its labeling is false or misleading in any particular.

....

9. a. If it is a drug and its container is so made, formed, or filled as to be misleading.
b. If it is an imitation of another drug.
c. If it is offered for sale under the name of another drug.

1993 Iowa Code section 272C.10 (formerly 1991 Iowa Code section 258A.10) provides, in part, the following:

A licensing board established after January 1, 1978, and pursuant to the provisions of this chapter shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:...

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

8. Respondent is guilty of violations of 657 Iowa Administrative Code sections 8.5(1), 8.5(4), 8.14(1)(g), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) by virtue of the allegations contained in paragraph 6.

657 Iowa Administrative Code section 8.5 provides, in part, the following:

Unethical conduct or practice. The provisions of this section apply to licensed pharmacists and registered pharmacist-interns.

8.5(1) Misrepresentative deeds. A pharmacist shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

....

8.5(4) Nonconformance with law. A pharmacist shall not knowingly serve in a pharmacy which is not operated in conformance with law, or

which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

657 Iowa Administrative Code section 8.14 provides, in part, the following:

Prescription label requirements.

8.14(1) The label affixed to or on the dispensing container of any prescription dispensed by a pharmacy pursuant to a prescription drug order shall bear the following:...

g. Unless otherwise directed by the prescriber, the label shall bear the brand name, or if there is no brand name, the generic name of the drug dispensed, the strength of the drug, and the quantity dispensed. ***Under no circumstances shall the label bear the name of any product other than the one dispensed*** (emphasis added).

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

b. Professional incompetency. Professional incompetency includes but is not limited to:...

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

....
(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or

acceptable and prevailing practice of pharmacy in the state of Iowa.

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 7 and 8 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1993 Iowa Code sections 147.55(3), 155A.12(1), 155A.12(2), 155A.12(3), 126.3(1), 126.10(1), 126.10(9)(a), 126.10(9)(b), 126.10(9)(c), and 272C.10(3) and 657 Iowa Administrative Code sections 8.5(1), 8.5(4), 8.14(1)(g), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED that Lisa A. Crossett appear before the Iowa Board of Pharmacy Examiners on Thursday, April 8, 1993, at 10:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Lisa A. Crossett on

July 24, 1987, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of her own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of her license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen

Executive Secretary/Director

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	)	STIPULATION
LISA A. CROSSETT	)	AND
License No. 16920	)	INFORMAL
Respondent	)	SETTLEMENT
)	

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Lisa A. Crossett (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on July 24, 1987, by examination.
2. Respondent's license is current until June 30, 1993.
3. Respondent's current address is 202 South Lincoln, Knoxville, Iowa 50138.
4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on March 8, 1993.
5. The Board has jurisdiction of the parties and the subject matter.
6. Respondent does not contest the allegations set forth in the complaint. The Respondent agrees that the Board may treat the allegations as true for the purpose of this Informal Settlement.

7. Respondent's license is placed on probation for a period of one year from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. Inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

b. Pay all required fees for renewal of his pharmacist license to prevent the license from lapsing during the period of probation.

c. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

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

e. Submit a written report to the Board once every three (3) months, beginning three months after the date of approval of this Stipulation and Informal Settlement, stating truthfully whether or not he has complied with all terms and conditions of his probation.

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

g. 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 the approval of this Stipulation and

Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

8. Respondent shall remit a \$500 civil penalty to the Board office within thirty (30) days of acceptance of this Stipulation and Informal Settlement by the Board.

9. Should Respondent practice outside of this state, Respondent shall notify the Board in writing of the dates of such practice. Periods of practice outside of this State shall not apply to reduction of the probationary period.

10. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee 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.

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

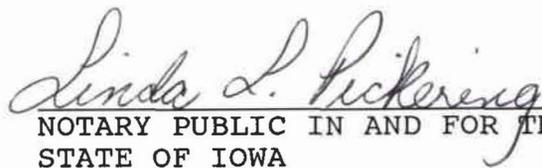
12. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either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

13. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 8th day of April, 1993.



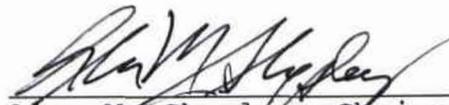
Lisa A. Crossett
Respondent

Signed and sworn to before me this 8th day of April, 1993.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

14. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 9th day of April, 1993.



Alan M. Shepley, Chairperson
Iowa Board of Pharmacy Examiners