

STATE OF IOWA  
BEFORE THE BOARD OF PHARMACY EXAMINERS

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IN THE MATTER OF THE LICENSE  
TO PRACTICE PHARMACY OF  
PATRICIA L. BRUNDIES,  
Respondent

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION

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STATEMENT OF THE CASE

This hearing was held January 28, 1982 in Des Moines, Iowa before the Board of Pharmacy Examiners pursuant to Chapters 147 and 258A of the Code of Iowa. The purpose of the hearing was to determine what, if any, action should be taken regarding the license of Patricia L. Brundies to practice pharmacy in Iowa.

Board members present for the hearing were: Angelo J. Palmer, Vennetta M. Fiedler, Robert E. Bellinger, Max Eggleston, Dennis D. Killion, Gale W. Stapp, Margo L. Underwood. Peter J. Fox served as hearing officer for the Board. The State was represented by Thomas D. McGrane, Assistant Attorney General. The Respondent was present and represented by John J. Carlin, Attorney at Law.

The hearing officer having considered the testimony and evidence issues the following findings of fact, conclusions of law, and decision.

FINDINGS OF FACT

The Respondent, Patricia L. Brundies, graduated from pharmacy school in 1978. She is a licensed pharmacist and 26 years old. While in pharmacy school, she worked during the summer at the Davenport Osteopathic Hospital. After Ms. Brundies graduated from pharmacy school, she was hired by Michael Nydle, the director of the pharmacy, as a staff pharmacist at the Davenport Osteopathic Hospital. Ms. Brundies was promoted to assistant director of the pharmacy.

During the early part of 1981, the Respondent began to find shortages in schedule drugs. She reported the shortages to the director of the pharmacy. He said that he believed other hospital personnel were responsible. Respondent did not inform the Board of Pharmacy Examiners of the shortages because of fear of adverse publicity to the hospital and loyalty to Mr. Nydle.

On July 2, 1982 the director of the pharmacy collapsed in the pharmacy office. He was revived and admitted to Mercy Hospital.

On July 4, 1981 the Respondent took an inventory of narcotics and controlled drugs. Additional shortages were found. She informed the hospital administrator of the shortages, but she failed to notify the Board of Pharmacy Examiners.

Later in July, 1981 the other three pharmacists employed at the Davenport Osteopathic Hospital wanted to write a letter to the administrator giving official notice of the narcotic and controlled drug shortages. The Respondent told them not to write the letter because it was taken care of.

Respondent at no time informed the Iowa Board of Pharmacy Examiners of the shortages.

On September 8, 1981 the Respondent was terminated from her position as pharmacist at the Davenport Osteopathic Hospital. Since that time she has not attempted employment of any kind.

Ms. Brundies testified that she made an error of judgement.

#### CONCLUSIONS OF LAW

Section 155.13 of the Iowa Code provides in pertinent part: "Renewal-- denial, suspension or revocation. Each license issued under this chapter unless sooner suspended or revoked, shall be renewable annually upon payment of the annual license fee. The Board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, ...."

Rule 620-10.1(4)(b)(3) states in pertinent part that the Board may impose disciplinary sanctions when the Board determines that the licensee is professionally incompetent by "A failure by a pharmacist to exercise in a substantial aspect that degree of care which is ordinarily exercised by the average pharmacist in the State of Iowa acting under the same or similar circumstances."

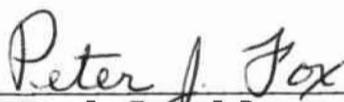
It is undisputed that Ms. Brundies failed to notify the Board of Pharmacy Examiners when she was aware of substantial narcotic and other controlled drug shortages at the Davenport Osteopathic Hospital pharmacy. She held the position of assistant director of pharmacy which increased her responsibilities for reporting. In addition she told the other three pharmacists not to give formal

notice to the hospital administrator of the shortages. Ms. Brundies did testify that she made an error of judgement which she regrets. It is the conclusion of the hearing officer, upon recommendations of the Board, that disciplinary action concerning Ms. Brundies license to practice pharmacy is warranted.

#### DECISION

It is the decision of the hearing officer, upon the recommendation of the Board of Pharmacy Examiners that the license of Repondent Patricia L. Brundies, to practice pharmacy is hereby suspended for a period of six months. Ms. Brundies has not worked as a pharmacist since September 7, 1981. Therefore, the period of suspension will begin retroactively from September 8, 1981 and ending March 8, 1982. After the period of suspension, Ms. Brundies shall be placed on probation for a period of one year. During the period of probation, Ms. Brundies must obtain 15 hours of American College of Pharmaceutical Education approved continuing education in pharmacy management. In addition during the one year probation Ms. Brundies shall submit quarterly reports to the Board office on June 1, 1982, September 1, 1982, and December 1, 1982, concerning her work status and progress towards meeting the continuing education requirements. Prior to the end of the probationary period, Ms. Brundies shall submit a letter to the Board requesting that the probation period be terminated.

Dated this 4th day of February, 1982.

  
Peter J. Fox, J.D.  
Hearing Officer

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