

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacy License of)
DAVIS COUNTY HOSPITAL PHARMACY)
License No. 859)
Stephen M. Scott, Pharmacist in charge,)
Respondent.)

**RESPONSE TO
STATEMENT OF CHARGES**

COMES NOW, Davis County Hospital Pharmacy and for response to the Statement of
Charges states:

1. Respondent, Davis County Hospital Pharmacy, admits the four numbered paragraphs contained in the Statement of Charges.
2. In response to Count I of the Statement of Charges, Respondent denies that it is in violation of Iowa statutes or rules of the Board of Pharmacy Examiners.

WHEREFORE, Respondent prays that the Statement of Charges be dismissed.



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ATTORNEY FOR RESPONDENT

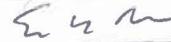
Copy to:

Lenny Emrich
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

Lloyd K. Jessen
Executive Secretary/Director
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, IA 50319

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on _____, 19____.



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

Re:)
Pharmacy License of)
DAVIS COUNTY) **STATEMENT OF CHARGES**
HOSPITAL PHARMACY)
License No. 859)
Stephen M. Scott,)
Pharmacist in charge,)
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. General pharmacy license number 859, issued in the name of Davis County Hospital Pharmacy, with Stephen M. Scott as pharmacist in charge, was renewed on December 23, 1997, and is current until December 31, 1998.
4. Respondent currently operates a hospital pharmacy at 507-509 North Madison, Bloomfield, Iowa 52537.

COUNT I

The Respondent is charged under Iowa Code §§ 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.15(2)(c), 155A.15(2)(h), and 155A.15(2)(i) (1997) and 657 Iowa Administrative Code § 6.8 with failing to provide accountability for controlled substances and with failing to properly maintain controlled substance records.

THE CIRCUMSTANCES

The Board has received information from Board Investigator Jacqueline L. Devine which alleges that Respondent is unable to provide accountability for numerous Schedule II, III, IV and V controlled substances. The information received from Investigator Devine also alleges that Respondent's computer and record systems are deficient and that controlled substance records are not readily retrievable.

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 3rd day of February, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


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

cc: Linnny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:	}	
Pharmacy License of	}	
DAVIS COUNTY	}	STIPULATION
HOSPITAL PHARMACY	}	AND
License No. 859	}	CONSENT ORDER
Respondent	}	

On this 16th day of September, 1998, the Iowa Board of Pharmacy Examiners and Davis County Hospital Pharmacy of Bloomfield, 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 February 3, 1998, 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 23rd day of December, 1997, as evidenced by Hospital Pharmacy License Number 859, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Hospital Pharmacy License Number 859 issued to and currently held by Respondent is current and in full force until December 31, 1998.
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 February 3, 1998.

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 Hospital Pharmacy License Number 859 issued to Respondent is placed on probation for one (1) year. 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. The Respondent shall conduct two (2) self-audits of all controlled substances during the probationary period. The first self-audit shall be completed within six months of beginning probation and the second self-audit shall be completed at the end of the probationary period. The results of the self-audits shall be submitted to the Board upon completion.

2. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 7, "Hospital Pharmacy Licenses."

3. The Respondent shall ensure that all drug inventory and drug distribution information stored electronically in a computer is complete, accurate, and readily retrievable.

4. 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.

5. 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).

6. 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.

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

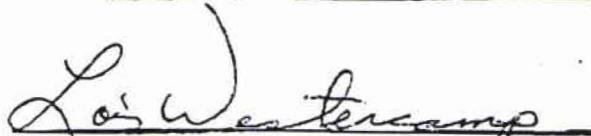
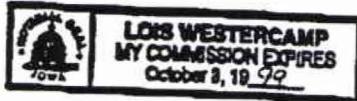
8. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

9 This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of September, 1998.



DAVIS COUNTY HOSP. PHARMACY
Respondent

Subscribed and Sworn to before me on this 15 day of September, 1998.



LOIS WESTERCAMP
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

10 This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16th day of September, 1998.



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